

By Mr. HITT: Petition of the Forest City Land and Lumber Company, favoring bill H. R. 9302—to the Committee on Ways and Means.

By Mr. HUNT: Petition of the Kregel Casket Company, favoring bill H. R. 9302—to the Committee on Ways and Means.

Also, petition of G. W. Perkins, against reduction in tariff on tobacco from the Philippines—to the Committee on Ways and Means.

Also, petition of the St. Louis Cotton Exchange, favoring Government control of freight rates—to the Committee on Interstate and Foreign Commerce.

By Mr. JENKINS: Petition of Superior Division, Order of Railway Conductors, favoring bill H. R. 7041—to the Committee on the Judiciary.

By Mr. LACEY: Petition of Ne Plus Ultra Lodge, No. 12, Brotherhood of Railway Trainmen, of Ottumwa, Iowa, favoring bill H. R. 7041—to the Committee on the Judiciary.

Also, petition of the Commercial Club of Oskaloosa, Iowa, favoring Government control of freight rates—to the Committee on Interstate and Foreign Commerce.

By Mr. MARTIN: Petition of the Lead (S. Dak.) Commercial Club, favoring Government control of freight rates—to the Committee on Interstate and Foreign Commerce.

By Mr. MORGAN: Petition of the United Commercial Travelers, of Portsmouth, Ohio, favoring bill H. R. 13778—to the Committee on Interstate and Foreign Commerce.

By Mr. NEEDHAM: Petition of citizens of California, against repeal or alteration of present sweet-wine law—to the Committee on Ways and Means.

Also, resolution of senate and assembly of California, against tax on brandy used to fortify sweet wines—to the Committee on Ways and Means.

By Mr. PADGETT: Paper to accompany bill for the relief of James Lynch—to the Committee on Invalid Pensions.

Also, paper to accompany bill for the relief of James H. Hill—to the Committee on Invalid Pensions.

By Mr. RICHARDSON of Alabama: Papers to accompany bill for relief of Felix Weeden—to the Committee on War Claims.

Also, papers to accompany bill for relief of Lagrange College—to the Committee on War Claims.

Also, papers to accompany bill for relief of estate of Berhet C. Chandler, of Lauderdale County, Ala.—to the Committee on War Claims.

Also, papers to accompany bill for relief of Griffith Callahan, of Jackson County, Ala.—to the Committee on War Claims.

Also, papers to accompany bill for relief of estate of Caswell B. Derrick, of Jackson County, Ala.—to the Committee on War Claims.

Also, papers to accompany bill for relief of Philip D. Wright, of Lauderdale County, Ala.—to the Committee on War Claims.

Also, paper to accompany bill for relief of William H. Hillard, of Madison County, Ala.—to the Committee on War Claims.

Also, papers to accompany bill for relief of Joseph Lightfoot, of Madison County, Ala.—to the Committee on War Claims.

Also, papers to accompany bill for relief of Mrs. Cassa Simpson, of Lauderdale County, Ala.—to the Committee on War Claims.

Also, papers to accompany bill for relief of estate of Preston Smith, of Jackson County, Ala.—to the Committee on War Claims.

Also, papers to accompany bill for relief of estate of Sidney F. Tate, of Lauderdale County, Ala.—to the Committee on War Claims.

Also, papers to accompany bill for relief of estate of James Woosley, of Jackson County, Ala.—to the Committee on War Claims.

Also, papers to accompany bill for relief of Francis Wilkes, of Lauderdale County, Ala.—to the Committee on War Claims.

Also, papers to accompany bill for relief of estate of Samuel Ward, of Madison County, Ala.—to the Committee on War Claims.

Also, papers to accompany bill for relief of estate of William Cunningham, of Lawrence County, Ala.—to the Committee on War Claims.

Also, papers to accompany bill for relief of estate of Peter H. Gold, of Jackson County, Ala.—to the Committee on War Claims.

Also, papers to accompany bill for relief of estate of Bradford Hambrick, of Madison County, Ala.—to the Committee on War Claims.

Also, papers to accompany bill for relief of estate of Enoch R. Kennedy, of Lauderdale County, Ala.—to the Committee on War Claims.

Also, papers to accompany bill for relief of William M. Underwood, of Lauderdale County, Ala.—to the Committee on War Claims.

Also, paper to accompany bill for relief of David Crow—to the Committee on War Claims.

Also, petition for relief of the Methodist Church of Bellefonte, Ala.—to the Committee on War Claims.

By Mr. ROBB: Papers in support of bill for relief of Frank Schumer—to the Committee on Invalid Pensions.

By Mr. RUPPERT: Petition of Cigar Makers' International Union, relative to proposed reduction of tariff rates on tobacco from the Philippines—to the Committee on Ways and Means.

Also, petition of the National Business League of Chicago, favoring equitable freight rates—to the Committee on Interstate and Foreign Commerce.

By Mr. RYAN: Petition of L. R. Skinner Lodge, Brotherhood of Locomotive Firemen, favoring bill H. R. 7041—to the Committee on the Judiciary.

By Mr. SCOTT: Petition of Arkansas City (Kans.) Lodge, Order of Railway Conductors, favoring bill H. R. 7041—to the Committee on the Judiciary.

Also, petition of the Kansas State board of agriculture, favoring railway regulation—to the Committee on Interstate and Foreign Commerce.

By Mr. SIBLEY: Petition of Elk Grange, of Russell, Pa., favoring bill H. R. 13778—to the Committee on Interstate and Foreign Commerce.

By Mr. STEPHENS of Texas: Petition of Pecos Valley Lodge, No. 573, Brotherhood of Locomotive Engineers, favoring bill H. R. 7041—to the Committee on the Judiciary.

By Mr. THOMAS of North Carolina: Petition of retail druggists of Newbern, N. C., relative to bill H. R. 13679—to the Committee on Patents.

Also, resolution of Interstate Commerce Law Convention of St. Louis, against unjust discrimination in freight rates—to the Committee on Interstate and Foreign Commerce.

By Mr. WACHTER: Papers to accompany bill for increase of pension of Soren Julius Thor Straten—to the Committee on Invalid Pensions.

By Mr. WATSON: Petition of citizens of the Sixth Congressional district of Indiana, favoring the Hepburn-Dolliver bill—to the Committee on the Judiciary.

Also, petition of 28 residents of Richmond, Ind., favoring the Hepburn-Dolliver bill—to the Committee on the Judiciary.

## SENATE.

TUESDAY, January 24, 1905.

Prayer by the Chaplain, Rev. EDWARD E. HALE.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. CULLOM, and by unanimous consent, the further reading was dispensed with.

The PRESIDENT pro tempore. The Journal stands approved.

### DISPOSITION OF USELESS PAPERS.

The PRESIDENT pro tempore. The Chair lays before the Senate a communication from the Secretary of the Interior, transmitting a letter from the Commissioner of the General Land Office calling attention to the accumulation of papers in his office not needed for the transaction of current public business, of no permanent value or historical interest, and urging that prompt measures be taken looking to their disposition. A Select Committee on Disposition of Useless Papers in the Executive Departments, consisting of the Senator from Alabama [Mr. PETTUS], the Senator from Tennessee [Mr. BATE], and the Senator from Kansas [Mr. LONG], has been provided for that purpose, and the Chair will refer the communication and accompanying papers to that committee, if there be no objection.

### MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had passed the joint resolution (S. R. 17) to provide for the printing of 8,000 copies of the consolidated reports of the Gettysburg National Park Commission, 1893 to 1904, inclusive.

The message also announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

H. R. 7022. An act to amend section 4 of an act entitled "An act relating to the Metropolitan police of the District of Columbia," approved February 28, 1901;

H. R. 17109. An act to define the limits of square 1131, in the city of Washington, D. C.; and

H. R. 18035. An act to amend section 552 of the Code of Laws for the District of Columbia relating to incorporations.

The message further announced that the House had agreed to the concurrent resolution authorizing the printing and binding of 100 copies each of certain volumes of Land Decisions and Pension Decisions for sale and distribution by the Department of the Interior.

The message also announced that the House had agreed to the concurrent resolution to print and bind in cloth 6,000 copies of the American Merchant Marine and American Commerce and of the testimony taken in connection therewith.

#### ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the President pro tempore:

S. 5798. An act to extend the time for the completion of a bridge across the Missouri River at Yankton, S. Dak.;

H. R. 2871. An act to incorporate the Mutual Investment Fire Insurance Company of the District of Columbia;

H. R. 4728. An act granting an increase of pension to William W. Smith;

H. R. 16802. An act to authorize the Commissioners of the District of Columbia to enter into contract for the collection and disposal of garbage, ashes, and so forth;

H. R. 17100. An act to authorize the construction of a bridge across Sunflower River, in Sharkey County, Miss.; and

H. R. 17577. An act authorizing the Lindsay Lumber Company, a corporation of Escambia County, Ala., to construct a bridge across Conecuh River at or near the town of Pollard, in said county and State.

#### CIVIL GOVERNMENT IN THE PHILIPPINE ISLANDS.

Mr. LODGE. Mr. President, I desire to call up the conference report made last evening, and ask for present action upon it. It has been before the Senate for some days.

The PRESIDENT pro tempore. The Chair lays before the Senate the conference report, which will be read.

The Secretary read the report, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 14623) to amend an act approved July 1, 1902, entitled "An act temporarily to provide for the administration of the affairs of civil government in the Philippine Islands, and for other purposes," and to amend an act approved March 8, 1902, entitled "An act temporarily to provide revenue for the Philippine Islands, and for other purposes," and to amend an act approved March 2, 1903, entitled "An act to establish a standard of value and to provide for a coinage system in the Philippine Islands," and to provide for the more efficient administration of civil government in the Philippine Islands, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendment numbered 1.

That the House recede from its disagreement to the amendments of the Senate numbered 2 and 3, and agree to the same with amendments.

Amendment numbered 2: Section 3, page 4, line 4, after the word "legislation," insert the words "to be approved by the President of the United States."

Page 4, line 14, change colon to a period and strike out the words "Provided further, That no such municipality shall exercise the power to issue such bonds without the prior approval of the President."

Amendment numbered 3: Section 4, page 6, line 15, strike out the words "chief executive" and insert in lieu thereof the word "governor-general."

Page 7, after line 10, insert the following: "Fourth. That after the construction and equipment of said railroad in accordance with the foregoing provisions and all others of the contract of guaranty the railroad shall apply its gross earnings as follows: First, to the necessary operating expenses, including reasonable expenses of the corporation; second, to the necessary and ordinary repairs of said railroad and its equipment; third, to such betterments and extraordinary repairs of said railroad or equipment as may be first by the governor-general of the islands, in writing, expressly consented to; fourth, to the payment of the interest on the bonds, the interest on which to any extent shall have been guaranteed by the Philippine government under this section."

Page 7, line 13, strike out the word "same" and insert in lieu thereof the words "said contract of guaranty."

In the same line strike out the words "signed and delivered" and insert in lieu thereof the word "executed."

Page 8, strike out line 11 and insert in lieu thereof the words "said government."

Page 8, line 20, after the word "the," insert the word "Philippine" and strike out the words "have the power to."

Page 9, after line 2, insert the following: "The supreme court of the Philippine Islands shall have original and exclusive jurisdiction in all actions, proceedings, or suits at law or in equity brought by the Philippine government against any person or corporation involving the construction of this section or any right existing under, duty enjoined, or act prohibited by said section or any contract made in pursuance thereof; and jurisdiction is hereby vested in the supreme court to make such order, to enter such judgment or decree, and to take such proceedings in enforcement thereof as may be proper. During the vacations of said court the chief justice or any judge thereof shall have all the power to grant restraining orders, orders of injunction, to appoint receivers, or to do any other act under authority herein granted that a judge of a court of general jurisdiction may do in the vacation of court."

Page 9, line 6, after the word "purposes," insert the words "approved July 1, 1902, so far as the same is not in conflict with the provisions of this section."

Same line, after the word "corporations," insert the words "the interest upon."

Page 9, line 7, after the word "bonds," insert the words "or any part thereof."

HENRY CABOT LODGE,  
EUGENE HALE,  
FRED T. DUBOIS,

*Managers on the part of the Senate.*

HENRY ALLEN COOPER,  
J. A. TAWNEY,  
E. D. CRUMPACKER,  
W. C. JONES,  
JOHN W. MADDOX,

*Managers on the part of the House.*

The PRESIDENT pro tempore. The question is on agreeing to the conference report.

The report was agreed to.

#### PETITIONS AND MEMORIALS.

Mr. CULLOM. I present a joint resolution of the legislature of Illinois, relative to the improvement of the Mississippi River and the navigation of the same. I ask that the joint resolution be printed in the RECORD, and referred to the Committee on Commerce.

There being no objection, the joint resolution was referred to the Committee on Commerce, and ordered to be printed in the RECORD, as follows:

Illinois general assembly, 1905. Senate joint resolution No. 4.

Whereas the improvement of the Mississippi River is of great importance to the State of Illinois, as well as other States bordering on its shores, and our country at large; and

1. Whereas the making of a deep-water channel would materially improve the navigation of such river; and

2. Whereas at various points along said river there are places where it is necessary to make such deep channels, or build channels, in order to carry on navigation at certain times of the year and certain stages of the water, in order to successfully pass the rapids in said rivers at certain points within the territory of Illinois and Iowa; and

3. Whereas there is at this time great need of the betterment of the navigation of the Des Moines Rapids, which are in the Mississippi River, from Hamilton, Ill., and Keokuk, Iowa, north to Fort Madison, Iowa, and Niota, Ill.; and

4. Whereas there is now pending before Congress a bill in relation to the erection of a dam across the Mississippi River at or near the foot of the Des Moines Rapids and the building of a proper lock to facilitate the navigation of such river under the supervision and direction of the United States Government, which measure is now pending before the Committee on Interstate and Foreign Commerce for examination and discussion; and

5. Whereas the accomplishment of a deep-water channel at such point would materially aid in the navigation of such river and thereby benefit all the citizens of this country, and especially the citizens of the States bordering on such river: Therefore, in view of the general utility and great importance of such a measure to Illinois and other adjoining States, as well as our country at large, be it

*Resolved by the senate of the State of Illinois, the house of representatives concurring,* That we approve of all measures to promote the improvement of the Mississippi River and the navigation of the same, and to that end commend to the favorable consideration of Congress the measure under consideration and now before its Committee on Interstate and Foreign Commerce.

*Resolved,* That a copy of this resolution be sent by the secretary of state to the Senators and Members of Congress from Illinois, and also a copy be furnished to the members of the Committee on Interstate and Foreign Commerce.

Adopted by the senate of the State of Illinois January 17, 1905.

LAWRENCE Y. SHELMAN,

*President of the Senate.*

J. H. PADDOCK,

*Secretary of the Senate.*

Concurred in by house of representatives January 17, 1905.

EDWARD D. SHUTLEFF,

*Speaker of the House.*

JOHN A. REEVE,

*Clerk of the House.*

I, James A. Rose, secretary of state of Illinois, hereby certify that the foregoing is a true copy of a joint resolution adopted by the forty-fourth general assembly of said State.

JAMES A. ROSE, *Secretary of State.*

Mr. CULLOM. I present a memorial of the Belgian Protective Association of America, concerning conditions in the Kongo Free State. The document is a formidable one, and while I have not read it, it purports at least to give an account of the condition of affairs existing in that country. I move that the memorial be printed as a document and referred to the Committee on Foreign Relations.

The motion was agreed to.

Mr. CULLOM presented a memorial of the United Irish League, United Irish Societies, and the Ancient Order of Hibernians of Chicago, Ill., remonstrating against the ratification of international arbitration treaties; which was referred to the Committee on Foreign Relations.

Mr. STEWART presented a petition of the council of the Chickasaw Nation, praying for the enactment of legislation providing for the appointment of guardians for minor Chickasaw and Choctaw children; which was referred to the Committee on Indian Affairs.

Mr. GALLINGER presented the petitions of J. K. Hutchinson and 26 other citizens, of Eva Wardell and 29 other citizens, and

of 15 citizens, all in the Territory of Oklahoma, praying for the enactment of legislation to prohibit the manufacture and sale of intoxicating liquors in that Territory when admitted to statehood; which were ordered to lie on the table.

Mr. FAIRBANKS presented a petition of sundry citizens of Anderson, Ind., praying that an increase in the appropriation be made for the construction of a Federal building at that place; which was referred to the Committee on Public Buildings and Grounds.

He also presented a petition of the National Business League of Chicago, Ill., praying for the enactment of legislation to enlarge the powers of the Interstate Commerce Commission; which was referred to the Committee on Interstate Commerce.

He also presented a memorial of the Chamber of Commerce of Denver, Colo., remonstrating against any reduction of the duty on raw or refined sugars imported into the United States; which was referred to the Committee on Finance.

He also presented the petition of J. W. Clark, jr., and 7 other citizens of the Isle of Pines, praying that that territory be annexed to the United States; which was referred to the Committee on Foreign Relations.

He also presented a memorial of the students of the Tempe Normal School of the Territory of Arizona, remonstrating against the admission of the Territories of Arizona and New Mexico into the Union as one State; which was ordered to lie on the table.

Mr. HOPKINS presented a memorial of the United Irish League, United Irish Societies, and Ancient Order of Hibernians of Chicago Ill., remonstrating against the ratification of international arbitration treaties; which was referred to the Committee on Foreign Relations.

He also presented a petition of the legislature of the State of Illinois, praying for the enactment of legislation providing for the improvement of the Mississippi River and the navigation of the same; which was referred to the Committee on Commerce.

Mr. GAMBLE presented a memorial of the Sunnyside Woman's Christian Temperance Union of Sioux Falls, S. Dak., remonstrating against the repeal of the present anticean law; which was referred to the Committee on Military Affairs.

He also presented a petition of the Woman's Christian Temperance Union of Woonsocket, S. Dak., praying for the enactment of legislation to prohibit the sale of intoxicating liquors in the Indian Territory when admitted to statehood; which was ordered to lie on the table.

He also presented a petition of the Woman's Christian Temperance Union of Rapid City, S. Dak., and the petition of Mrs. C. B. Clark and sundry other citizens of Deadwood, S. Dak., praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which were referred to the Committee on the Judiciary.

Mr. PERKINS presented a petition of the Manufacturers and Producers' Association of San Francisco, Cal., praying for the enactment of legislation providing for the recession of the Yosemite Valley and Mariposa Big Tree Grove to the National Government; which was referred to the Committee on Public Lands.

He also presented a petition of the Fruit Growers' Association of Placer County, Cal., praying for the enactment of legislation to enlarge the powers of the Interstate Commerce Commission; which was referred to the Committee on Interstate Commerce.

He also presented a petition of the Chamber of Commerce of San Francisco, Cal., praying for the enactment of legislation providing for the use of vessels of the United States for public purposes; which was referred to the Committee on Commerce.

Mr. BERRY presented a petition of Peter Going and 38 other citizens of Fort Smith, Ark., and a petition of the Little Rock Annual Conference of the Methodist Episcopal Church South, of Arkansas, praying for continued prohibition in the Indian Territory; which were ordered to lie on the table.

#### REPORTS OF COMMITTEES.

Mr. SPOONER, from the Committee on Finance, to whom was referred the amendment submitted by Mr. PLATT of New York on the 23d instant, authorizing an increase of the salaries of tea examiners at the various ports of the United States, not to exceed \$5,000 per annum, intended to be proposed to the sundry civil appropriation bill, reported it with an amendment, and moved that it be referred to the Committee on Appropriations and printed; which was agreed to.

Mr. ALLISON, from the Committee on Finance, to whom was referred the bill (H. R. 6375) for the relief of the executors of the estate of Henry Lee, deceased, reported it without amendment.

He also, from the same committee, to whom was referred the

memorial of the members of the senate and house of representatives of the Chickasaw Nation, requesting that provision be made for the relief of the schools of the Chickasaw Nation, asked to be discharged from its further consideration, and that it be referred to the Committee on Indian Affairs; which was agreed to.

Mr. SMOOT, from the Committee on Pensions, to whom were referred the following bills, reported them each with an amendment, and submitted reports thereon:

A bill (S. 4508) granting an increase of pension to John M. Bybee;

A bill (S. 6402) granting an increase of pension to Samuel Lewis;

A bill (S. 5499) granting a pension to Matilda J. Henderson; and

A bill (S. 3372) granting a pension to Mary O'Brien.

Mr. SMOOT, from the Committee on Pensions, to whom were referred the following bills, reported them severally with amendments, and submitted reports thereon:

A bill (S. 6042) granting an increase of pension to James B. Williams;

A bill (S. 4605) granting an increase of pension to Charles R. Schmidt; and

A bill (S. 5344) granting a pension to Martha B. Hamlin.

Mr. SMOOT, from the Committee on Pensions, to whom was referred the bill (S. 6289) granting a pension to Charles Norris, reported it without amendment, and submitted a report thereon.

Mr. PROCTOR. I am directed by the Committee on Military Affairs, to whom was referred the bill (H. R. 17473) making appropriation for the support of the Army for the fiscal year ending June 30, 1906, to report it with amendments, and I submit a report thereon. I give notice that I shall call up the bill at the earliest practicable moment—I hope after the routine business to-morrow morning.

The PRESIDENT pro tempore. The bill will be placed on the Calendar.

Mr. KITTREDGE, from the Committee on Patents, to whom was referred the bill (H. R. 16560) to authorize the registration of trade-marks used in commerce with foreign nations or among the several States or with Indian tribes, and to protect the same, reported it with amendments, and submitted a report hereon.

#### CENTRAL RAILROAD COMPANY OF NEW JERSEY.

Mr. PLATT of New York. I am directed by the Committee on Finance, to whom was referred the bill (S. 5902) for the relief of the Central Railroad Company of New Jersey, to report it favorably without amendment.

Mr. KEAN. That is a very short bill, merely to refund the amount of \$709 collected by mistake from the railway company, and I ask unanimous consent for its present consideration.

The Secretary read the bill; and by unanimous consent the Senate, as in Committee of the Whole, proceeded to its consideration. It proposes to pay to the Central Railroad Company of New Jersey \$709, the same being the amount collected by mistake from the Central Railroad Company of New Jersey by the deputy collector of the United States customs for the port of New York on March 23, 1904, on account of an alleged violation of the railroad's obligation as a carrier of unappraised merchandise under bond.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

#### BILLS AND JOINT RESOLUTION INTRODUCED.

Mr. HOPKINS introduced a bill (S. 6836) granting a pension to Louise A. King; which was read twice by its title, and referred to the Committee on Pensions.

Mr. HANSBROUGH introduced a bill (S. 6837) granting an increase of pension to Edgar Tibbitts; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 6838) granting an increase of pension to Scotha Whitlock Bennett; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. MALLORY introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Commerce:

A bill (S. 6839) to authorize the construction of a bridge over the Tombigbee River, in the county of Lowndes, in the State of Mississippi;

A bill (S. 6840) to authorize the construction of a bridge over the Black Warrior River between the counties of Green and Marengo, in the State of Alabama; and

A bill (S. 6841) to authorize the construction of a bridge over the Alabama River between the counties of Clark and Monroe, State of Alabama.

Mr. KEAN introduced a bill (S. 6842) for the relief of Albert L. Scott and others; which was read twice by its title, and referred to the Committee on Claims.

Mr. DUBOIS introduced a bill (S. 6843) granting a pension to Jane McMahon; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 6844) granting a pension to John Robinson; which was read twice by its title, and referred to the Committee on Pensions.

Mr. MARTIN introduced a bill (S. 6845) for the relief of the trustees of the Methodist Episcopal Church South, of Warrenton, Va.; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 6846) to reinstate Kenneth McAlpine as a lieutenant in the Navy; which was read twice by its title, and referred to the Committee on Naval Affairs.

Mr. SMOOT introduced a bill (S. 6847) granting an increase of pension to Thomas Dunn; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. ANKENY (for Mr. FOSTER of Washington) introduced a bill (S. 6848) granting an increase of pension to John Broyles; which was read twice by its title, and referred to the Committee on Pensions.

He also (for Mr. FOSTER of Washington) introduced a bill (S. 6849) granting an increase of pension to William H. Satterthwaite; which was read twice by its title, and referred to the Committee on Pensions.

Mr. CARMACK introduced a bill (S. 6850) for the relief of George L. Whitmore; which was read twice by its title, and referred to the Committee on Claims.

Mr. FRYE introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Commerce:

A bill (S. 6851) to amend section 4405 of the Revised Statutes of the United States, relating to steamboat inspection;

A bill (S. 6852) to amend section 4414 of the Revised Statutes of the United States, relating to steamboat inspection;

A bill (S. 6853) to amend sections 4417, 4453, 4463, 4488, and 4499 of the Revised Statutes, relating to the Steamboat-Inspection Service, and section 5344 of the Revised Statutes, relating to misconduct by officers or owners of vessels;

A bill (S. 6854) to amend sections 4415, 4416, 4423, 4426, 4449, 4452, 4470, 4472, 4498, and 4233 of the Revised Statutes of the United States, relating to steamboat inspection;

A bill (S. 6855) to amend sections 4418, 4433, 4480, and 4483 of the Revised Statutes, and to repeal sections 4435, 4436, and 4459 of the Revised Statutes, relating to the Steamboat-Inspection Service;

A bill (S. 6856) to amend section 4399 of the Revised Statutes, relating to regulation of steam vessels;

A bill (S. 6857) to amend section 4463 of the Revised Statutes, relating to the complement of crews of vessels; and

A bill (S. 6858) providing for the appointment of a commission on marine construction.

The PRESIDENT pro tempore. The Chair lays before the Senate a communication from the Secretary of the Department of Commerce and Labor relating to these bills. It will be printed and referred to the Committee on Commerce to accompany the bills.

Mr. GORMAN introduced a bill (S. 6859) granting an increase of pension to Lydia D. Wise; which was read twice by its title and referred to the Committee on Pensions.

Mr. LODGE introduced a joint resolution (S. R. 96) authorizing temporary use of certain vacant houses in square 686 in Washington City, and for other purposes; which was read twice by its title, and, with the accompanying paper, referred to the Committee on the District of Columbia.

#### INTERSTATE COMMERCE COMMISSION.

Mr. CARMACK submitted an amendment intended to be proposed by him to the bill (S. 2439) further to define the duties and powers of the Interstate Commerce Commission; which was referred to the Committee on Interstate Commerce, and ordered to be printed.

#### AMENDMENTS TO APPROPRIATION BILLS.

Mr. PLATT of New York submitted an amendment authorizing the exhibition at the temporary exhibit of the Woman's Industrial Exposition at New York City and the Jamestown exposition of the model of the United States Capitol building which was exhibited at the world's fair at St. Louis, and proposing to appropriate \$2,500 for transporting and setting up said model, intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. GAMBLE submitted an amendment authorizing the issuance of a patent in fee to William T. Selwyn, a Yankton Sioux Indian, for a tract of land not exceeding 38.61 acres from the lands reserved for the Yankton Agency, S. Dak., intended to be proposed by him to the Indian appropriation bill; which was referred to the Committee on Indian Affairs, and ordered to be printed.

He also submitted an amendment authorizing the issuance of a patent in fee to Jennie M. Brown, a member of the Sisseton and Wahpeton band of Sioux Indians, for lands heretofore allotted to her in the State of South Dakota, intended to be proposed by him to the Indian appropriation bill; which was referred to the Committee on Indian Affairs, and ordered to be printed.

Mr. FULTON submitted an amendment providing for the acceptance and ratification of an agreement between James McLaughlin, representing the Secretary of the Interior, and the Klamath and Modoc tribes and the Yahooskin band of Snake Indians, residing on the Klamath Indian Reservation, in the State of Oregon, intended to be proposed by him to the Indian appropriation bill; which was referred to the Committee on Indian Affairs, and ordered to be printed.

#### CONVICTIONS FOR WIFE BEATING.

Mr. GALLINGER submitted the following resolution; which was considered by unanimous consent, and agreed to:

*Resolved*, That the Commissioners of the District of Columbia are hereby directed to communicate to the Senate the number of convictions for wife beating in the police court of said District for each of the calendar years 1900, 1901, 1902, 1903, and 1904.

#### MUSSEL SHOALS CANAL, TENNESSEE RIVER.

Mr. MORGAN submitted the following resolution; which was considered by unanimous consent, and agreed to:

*Resolved*, That the Secretary of War inform the Senate of the condition of the Mussel Shoals Canal, on the Tennessee River, with reference to the right of way for said canal and as to any tracts of land along the line that are necessary to be acquired by the Government for the security or the convenience of operating or maintaining the same.

2. And that he will advise the Senate of his opinion as to the best method of acquiring such lands; whether by process of condemnation or by purchase, and whether a commission is necessary for that purpose.

3. And that he will inform the Senate, (1) whether the water power at Lock 6 on said canal is being usefully employed for supplying power for the machinery at said lock that belongs to the United States; and (2) whether it will be useful to the public service to increase such machinery for the purpose of being employed in the construction or repair of boats, dredges, and the preparation of materials or machinery for use in Government work for the improvements on the Tennessee River or its tributaries.

4. And that he inform the Senate whether the War Department has granted or sanctioned or approved any grants, licenses, or privileges for the use of the water power of the Tennessee River on any part of the Mussel Shoals or the Elk River Shoals to any persons or corporations, and that he state the terms, conditions, and extent of such grants, privileges, or licenses and the authority under which the same have been made.

5. And that he will inform the Senate of his opinion whether it is advisable to create a commission, and as to how it should be constituted, to examine into and report upon all or any of the matters referred to in these resolutions, and especially as to the disposition that should be made of the water power furnished by the shoals of the Tennessee River above mentioned; and what legislation, if any, Congress should provide for the proper adjustment and regulation of the rights of the United States and of the State of Alabama, and also of the riparian proprietors and the owners of islands in the Tennessee River at these localities.

#### HOUSE BILLS REFERRED.

The following bills were severally read twice by their titles, and referred to the Committee on the District of Columbia:

H. R. 7022. An act to amend section 4 of an act entitled "An act relating to the Metropolitan police of the District of Columbia," approved February 28, 1901;

H. R. 17109. An act to define the limits of square 1131 in the city of Washington, D. C.; and

H. R. 18035. An act to amend section 552 of the Code of Laws for the District of Columbia, relating to incorporations.

#### STOCKHOLDERS OF RAILWAYS.

The PRESIDENT pro tempore. The Chair lays before the Senate the following resolution coming over from a previous day:

The Secretary read the resolution submitted by Mr. STEWART on the 21st instant, as follows:

*Resolved*, That the Interstate Commerce Commission be directed to transmit to the Senate a statement showing for each railway reporting to the Commission the number of stockholders of record on June 30, 1904.

Mr. GALLINGER. Before the resolution is acted upon, I should like to ask the Senator from Nevada what the purpose of the resolution is?

Mr. STEWART. I introduced the resolution at the request of some persons who are interested in railroads and who desire

to have the list published. They said to me that their purpose was to show the number of stockholders in railroads in the United States and to show the extent people own an interest in them. It is a mere matter of general information. They said the information was desired to show how large a body of people are interested as stockholders in all the railroads. I have made inquiry and I find that the information can be furnished with very little difficulty.

Mr. GALLINGER. I wondered when I heard the resolution read why we should not ascertain the number of stockholders in other corporations as well as railroads. It is a matter of common knowledge that there are a very large number of stockholders in every great railroad in the country. I confess I do not see that any advantage would come to the public service from getting this list of names, and yet it could not do any harm. So I will not object to the resolution.

Mr. STEWART. I hesitated, but found that no harm could come from it. I made inquiry and found that the information could be easily given.

The PRESIDENT pro tempore. The question is on agreeing to the resolution.

The resolution was agreed to.

#### AFFAIRS IN SANTO DOMINGO.

The PRESIDENT pro tempore. The Chair lays before the Senate the following resolution, coming over from a previous day.

The Secretary read the resolution submitted yesterday by Mr. BACON, omitting the preamble, as follows:

*Resolved by the Senate,* That the President is respectfully requested, if not in his judgment incompatible with the public interest, to inform the Senate whether any agreement has been made between the United States and the Republic of Santo Domingo, and if so, the nature and terms of said agreement; and particularly whether any agreement has been made by which this Government undertakes to guarantee the integrity of the territory or Government of the Republic of Santo Domingo, and whether under said agreement this Government assumes any responsibility or obligation, pecuniary or otherwise, to the said Republic of Santo Domingo or to any other government in behalf or account of said Republic of Santo Domingo.

Mr. LODGE. Mr. President, this resolution, as the Senate can easily see, is of very great importance and involves a great many questions of most serious gravity. I therefore move that the resolution be referred to the Committee on Foreign Relations.

Mr. BACON. Mr. President, I do not know that I shall make any objection to that direction, although I do not think it is usual where the Senate simply desires information that such a course should be taken. Still I will not resist it, as I quite agree with the Senator from Massachusetts that it is an important question. I do not think there can be any more important question than that which involves the consideration of the powers of the President to make a treaty which shall virtually take over the affairs of another government and seek to administer them by this Government, without submitting that question to the consideration and judgment of the Senate.

Aside from this general proposition there are, as suggested by the honorable Senator from Massachusetts, very grave questions, questions which involve in the highest degree the most serious and fundamental prerogatives of the Senate, and questions of the relative divisions of power between the Executive and the Senate. Recognizing that fact, and not even suggesting now the very many considerations which I think are entitled to the gravest examination on the part of the Senate, I will simply ask that I may make an addition to the resolution before it is referred.

Mr. FORAKER. Mr. President—

#### IMPEACHMENT OF JUDGE CHARLES SWAYNE.

At 12 o'clock and 30 minutes p. m. the managers of the impeachment, on the part of the House of Representatives, of Judge Charles Swayne appeared below the bar of the Senate, and the Assistant Sergeant-at-Arms (ALONZO H. STEWART) announced their presence as follows:

I have the honor to announce the managers on the part of the House of Representatives, to conduct the impeachment against Charles Swayne, judge of the United States district court for the northern district of Florida.

The PRESIDENT pro tempore. The managers on the part of the House will be received, and the Sergeant-at-Arms will assign them their seats.

The managers were thereupon escorted by the Assistant Sergeant-at-Arms of the Senate to the seats assigned to them in the area in front of the Chair.

The PRESIDENT pro tempore. The Sergeant-at-Arms will make proclamation.

The Sergeant-at-Arms (D. M. RANDELL) made proclamation as follows:

Hear ye! Hear ye! Hear ye! All persons will keep silence, on pain of imprisonment, while the House of Representatives is exhibiting to the Senate of the United States articles of impeachment against Charles Swayne, judge of the district court of the United States for the northern district of Florida.

Mr. Manager PALMER. Mr. President.

The PRESIDENT pro tempore. Mr. Manager.

Mr. Manager PALMER. The managers on the part of the House of Representatives are ready to exhibit articles of impeachment against Charles Swayne, district judge of the United States in and for the northern district of Florida, as directed by the House, in the words and figures following:

ARTICLE 1. That the said Charles Swayne, at Waco, in the State of Texas, on the twentieth day of April, eighteen hundred and ninety-seven, being then and there a United States district judge in and for the northern district of Florida, did then and there, as said judge, make and present to R. M. Love, then and there being the United States marshal in and for the northern district of Texas, a false claim against the Government of the United States in the sum of two hundred and thirty dollars, then and there knowing said claim to be false, and for the purpose of obtaining payment of said false claim, did then and there as said judge, make and use a certain false certificate then and there knowing said certificate to be false, said certificate being in the words and figures following:

UNITED STATES OF AMERICA, Northern District of Texas, ss:

I, Charles Swayne, district judge of the United States for the northern district of Florida, do hereby certify that I was directed to and held court at the city of Waco, in the northern district of Texas, twenty-three days, commencing on the twentieth day of April, eighteen hundred and ninety-seven; also, that the time engaged in holding said court, and in going to and returning from the same, was twenty-three days, and that my reasonable expenses for travel and attendance amounted to the sum of two hundred and thirty dollars and — cents, which sum is justly due me for such attendance and travel.

CHAS. SWAYNE, Judge.

WACO, May 15, 1897.

Received of R. M. Love, United States marshal for the northern district of Texas, the sum of two hundred and thirty dollars and no cents, in full payment of the above account.

\$230.

CHAS. SWAYNE.

when in truth and in fact, as the said Charles Swayne then and there well knew, there was then and there justly due the said Swayne from the Government of the United States and from said United States marshal a far less sum, whereby he has been guilty of a high crime and misdemeanor in his said office.

ART. 2. That the said Charles Swayne, having been duly appointed, confirmed, and commissioned as judge of the United States in and for the northern district of Florida, entered upon the duties of his office, and while in the exercise of his office as judge, as aforesaid, the said Charles Swayne was entitled by law to be paid his reasonable expenses for travel and attendance when lawfully directed to hold court outside of the northern district of Florida, not to exceed ten dollars per diem, to be paid upon his certificate by the United States marshal for the district in which the court was held, and was forbidden by law to receive compensation for such services. Yet the said Charles Swayne, well knowing these provisions, falsely certified that his reasonable expenses for travel and attendance were ten dollars per diem while holding court at Tyler, Texas, twenty-four days commencing December third, nineteen hundred, and seven days going to and returning from said Tyler, Texas, and received therefrom from the Treasury of the United States, by the hand of John Grant, the United States marshal for the eastern district of Texas, the sum of three hundred and ten dollars, when the reasonable expenses incurred and paid by the said Charles Swayne for travel and attendance did not amount to the sum of ten dollars per diem.

Wherefore the said Charles Swayne, judge as aforesaid, misbehaved himself and was and is guilty of a high crime, to wit, the crime of obtaining money from the United States by a false pretense and of a high misdemeanor in office.

ART. 3. That the said Charles Swayne having been duly appointed, confirmed, and commissioned as judge of the United States in and for the northern district of Florida entered upon the duties of his office, and while in the exercise of his office of judge as aforesaid was entitled by law to be paid his reasonable expenses for travel and attendance when lawfully directed to

hold court outside of the northern district of Florida, not to exceed ten dollars per diem, to be paid upon his certificate by the United States marshal of the district in which the court was held, and was forbidden by law to receive any compensation for such services. Yet the said Charles Swayne, well knowing these provisions, falsely certified that his reasonable expenses for travel in going to and coming from and attendance were ten dollars per diem while holding court at Tyler, Texas, thirty-five days from January twelve, nineteen hundred and three, and six days going to and returning from said Tyler, Texas, and received therefrom the Treasury of the United States, by the hand of A. J. Houston, the United States marshal for the eastern district of Texas, the sum of four hundred and ten dollars, when the reasonable expenses of the said Charles Swayne incurred and paid by him during said period were much less than said sum.

Wherefore the said Charles Swayne, judge as aforesaid, misbehaved himself and was and is guilty of a high crime, to wit, obtaining money from the United States by a false pretense, and of a high misdemeanor in office.

ART. 4. That the said Charles Swayne having been duly appointed, confirmed, and commissioned as judge of the United States in and for the northern district of Florida entered upon the duties of his office, and while in the exercise of his office of judge as aforesaid, heretofore, to wit, anno Domini eighteen hundred and ninety-three, did unlawfully appropriate to his own use, without making compensation to the owner, a certain railroad car belonging to the Jacksonville, Tampa and Key West Railroad Company for the purpose of transporting himself, his family, and friends from Guyencourt, in the State of Delaware, to Jacksonville, Florida, the said railroad company being at the time in the possession of a receiver appointed by said Charles Swayne, judge as aforesaid, on the petition of creditors.

The said car was supplied with provisions by the said receiver, which were consumed by said Swayne and his friends, and was provided with a conductor or porter at the cost and expense of said railroad company, and with transportation over connecting lines. The expenses of the trip were paid by the said receiver out of the funds of the said Jacksonville, Tampa and Key West Railroad Company, and the said Charles Swayne, acting as judge, allowed the credit claimed by the said receiver for and on account of the said expenditure as a part of the necessary expenses of operating said road. The said Charles Swayne, judge as aforesaid, used the said property without making compensation to the owner, and under a claim of right, for the reason that the same was in the hands of a receiver appointed by him.

Wherefore the said Charles Swayne, judge as aforesaid, was and is guilty of an abuse of judicial power and of a high misdemeanor in office.

ART. 5. That the said Charles Swayne was duly appointed, commissioned, and confirmed as judge of the United States in and for the northern district of Florida, and entered upon the duties of said office, and while in the exercise of his office of judge, as aforesaid, heretofore, to wit, anno Domini eighteen hundred and ninety-three, did unlawfully appropriate to his own use, without making compensation to the owner, a certain railroad car belonging to the Jacksonville, Tampa and Key West Railroad Company for the purpose of transporting himself, his family, and friends from Jacksonville, Florida, to California, said railroad company being at the time in the possession of a receiver appointed by the said Charles Swayne, judge as aforesaid, on the petition of creditors.

The car was supplied with some provisions by the said receiver, which were consumed by the said Swayne and his friends, and it was provided with a porter at the cost and expense of the railroad company, and also with transportation over connecting lines. The wages of said porter and the cost of said provisions were paid by the said receiver out of the funds of the Jacksonville, Tampa and Key West Railroad Company, and the said Charles Swayne, acting as judge as aforesaid, allowed the credits claimed by the said receiver for and on account of the said expenditures as a part of the necessary expenses of operating the said railroad. The said Charles Swayne, judge as aforesaid, used the said property without making compensation to the owner under a claim of right, alleging that the same was in the hands of a receiver appointed by him and he, therefore, had a right to use the same.

Wherefore, the said Charles Swayne, judge as aforesaid, was and is guilty of an abuse of judicial power and of high misdemeanor in office.

ART. 6. That the said Charles Swayne, having been duly appointed and confirmed, was commissioned district judge of the United States in and for the northern district of Florida on the

first day of April, anno Domini eighteen hundred and ninety, to serve during good behavior, and thereafter, to wit, on the twenty-second day of April, anno Domini eighteen hundred and ninety, took the oath of office and assumed the duties of his appointment, and established his residence at the city of Saint Augustine, in the State of Florida, which was at that time within the said northern district. That subsequently, by an Act of Congress approved the twenty-third of July, anno Domini eighteen hundred and ninety-four, the boundaries of the said northern district of Florida were changed, and the city of Saint Augustine and contiguous territory were transferred to the southern district of Florida; whereupon it became and was the duty of the said Charles Swayne to change his residence and reside in the northern district of Florida and to comply with the five hundred and fifty-first section of the Revised Statutes of the United States, which provides that—

A district judge shall be appointed for each district, except in cases hereinafter provided. Every judge shall reside in the district for which he is appointed, and for offending against this provision shall be deemed guilty of a high misdemeanor.

Nevertheless the said Charles Swayne, judge as aforesaid, did not acquire a residence, and did not, within the intent and meaning of said act, reside in his said district, to wit, the northern district of Florida, from the twenty-third day of July, anno Domini eighteen hundred and ninety-four, to the first day of October, anno Domini nineteen hundred, a period of about six years.

Wherefore the said Charles Swayne, judge as aforesaid, willfully and knowingly violated the aforesaid law, and was and is guilty of a high misdemeanor in office.

ART. 7. That the said Charles Swayne, having been duly appointed and confirmed, was commissioned district judge of the United States in and for the northern district of Florida on the first day of April, anno Domini eighteen hundred and ninety, to serve during good behavior, and thereafter, to wit, on the twenty-second day of April, anno Domini eighteen hundred and ninety, took the oath of office and assumed the duties of his appointment, and established his residence at the city of Saint Augustine, in the State of Florida, which was at that time within the said northern district. That subsequently, by an Act of Congress of the United States approved the twenty-third day of July, anno Domini eighteen hundred and ninety-four, the boundaries of the said northern district of Florida were changed, and the city of Saint Augustine, with the contiguous territory, was transferred to the southern district of Florida, whereupon it became and was the duty of the said Charles Swayne to change his residence and reside in the northern district of Florida, as defined by said Act of Congress, and to comply with section five hundred and fifty-one of the Revised Statutes of the United States, which provides that—

A district judge shall be appointed for each district, except in cases hereinafter provided. Every judge shall reside in the district for which he is appointed, and for offending against this provision shall be deemed guilty of a high misdemeanor.

Nevertheless, the said Charles Swayne, judge as aforesaid, totally disregarding his duty as aforesaid, did not acquire a residence, and within the intent and meaning of said Act did not reside in his said district, to wit, the northern district of Florida, from the twenty-third day of July, anno Domini eighteen hundred and ninety-four, to the first day of January, anno Domini nineteen hundred and three, a period of about nine years.

Wherefore, the said Charles Swayne, judge as aforesaid, willfully and knowingly violated the aforesaid law, and was and is guilty of a high misdemeanor in office.

ART. 8. That the said Charles Swayne, having been appointed, confirmed, and duly commissioned as judge of the district court of the United States in and for the northern district of Florida, entered upon the duties of said office, and while in the exercise of his office as judge, as aforesaid, to wit, while performing the duties of a judge of a circuit court of the United States, heretofore, to wit, on the twelfth day of November, anno Domini nineteen hundred and one, at the city of Pensacola, in the county of Escambia, in the State of Florida, did maliciously and unlawfully adjudge guilty of a contempt of court and impose a fine of one hundred dollars upon and commit to prison for a period of ten days E. T. Davis, an attorney and counsellor at law, for an alleged contempt of the circuit court of the United States.

Wherefore the said Charles Swayne, judge as aforesaid, misbehaved himself in his office of judge, and was and is guilty of an abuse of judicial power and of a high misdemeanor in office.

ART. 9. That the said Charles Swayne having been appointed, confirmed, and duly commissioned as judge of the district court of the United States in and for the northern district of Florida entered upon the duties of said office, and while in the exercise

of his office as judge as aforesaid, to wit, while performing the duties of a judge of a circuit court of the United States heretofore, to wit, on the twelfth day of November, anno Domini nineteen hundred and one, at the city of Pensacola, in the county of Escambia, in the State of Florida, did knowingly and unlawfully adjudge guilty of a contempt of court and impose a fine of one hundred dollars upon and commit to prison for a period of ten days E. T. Davis, an attorney and counsellor at law, for an alleged contempt of the circuit court of the United States.

Wherefore the said Charles Swayne, judge as aforesaid, misbehaved himself in his office of judge and was and is guilty of an abuse of judicial power and of a high misdemeanor in office.

ART. 10. That the said Charles Swayne, having been appointed, confirmed, and duly commissioned as judge of the district court of the United States in and for the northern district of Florida, entered upon the duties of said office, and while in the exercise of his office as judge aforesaid, to wit, while performing the duties of a judge of a circuit court of the United States, heretofore, to wit, on the twelfth day of November, anno Domini nineteen hundred and one, at the city of Pensacola, in the county of Escambia, in the State of Florida, did maliciously and unlawfully adjudge guilty of a contempt of court and impose a fine of one hundred dollars upon and commit to prison for a period of ten days Simeon Belden, an attorney and counsellor at law, for an alleged contempt of the circuit court of the United States.

Wherefore, the said Charles Swayne, judge as aforesaid, misbehaved himself in his office of judge, and was and is guilty of an abuse of judicial power, and of a high misdemeanor in office.

ART. 11. That the said Charles Swayne having been appointed, confirmed, and duly commissioned as judge of the district court of the United States in and for the northern district of Florida entered upon the duties of said office, and while in the exercise of his office as judge as aforesaid, to wit, while performing the duties of a circuit judge of the United States heretofore, to wit, on the twelfth day of November, anno Domini nineteen hundred and one, at the city of Pensacola, in the county of Escambia, in the State of Florida, did knowingly and unlawfully adjudge guilty of contempt of court and impose a fine of one hundred dollars upon and commit to prison for a period of ten days Simeon Belden, an attorney and counsellor at law, for an alleged contempt of the circuit court of the United States.

Wherefore the said Charles Swayne, judge as aforesaid, misbehaved himself in his office as judge and was and is guilty of an abuse of judicial power and of a high misdemeanor in office.

ART. 12. That the said Charles Swayne, having been duly appointed, confirmed, and commissioned as judge of the United States in and for the northern district of Florida, entered upon the duties of his office, and while in the exercise of his office of judge, heretofore, to wit, on the ninth day of December, anno Domini nineteen hundred and two, at Pensacola, in the county of Escambia, in the State of Florida, did unlawfully and knowingly adjudge guilty of contempt, and did commit to prison for the period of sixty days, one W. C. O'Neal, for an alleged contempt of the district court of the United States for the northern district of Florida.

Wherefore the said Charles Swayne, judge as aforesaid, misbehaved himself in his office of judge, as aforesaid, and was and is guilty of an abuse of judicial power, and of a high misdemeanor in office.

And the House of Representatives by protestation, saving to themselves the liberty of exhibiting at any time hereafter any further articles of accusation or impeachment against the said Charles Swayne, judge of the United States court for the northern district of Florida, and also of replying to his answers which he shall make unto the articles herein preferred against him, and of offering proof to the same and every part thereof, and to all and every other article or accusation or impeachment which shall be exhibited by them as the case shall require, do demand that the said Charles Swayne may be put to answer the high crimes and misdemeanors in office herein charged against him, and that such proceedings, examinations, trials, and judgments may be thereupon had and given as may be agreeable to law and justice.

J G CANNON

*Speaker of the House of Representatives.*

Attest:

A McDOWELL

*Clerk.*

The articles of impeachment were handed to the Secretary of the Senate.

The PRESIDENT pro tempore. The Senate will take proper order in the matter of the impeachment of Judge Swayne, and communicate to the House of Representatives its action.

The managers thereupon withdrew from the Chamber.

Mr. PLATT of Connecticut. I submit the order which I send to the desk, and ask that it be now considered.

The PRESIDENT pro tempore. The order will be read.

The order was read, considered by unanimous consent, and agreed to, as follows:

*Ordered.* That the articles of impeachment presented this day by the House of Representatives be printed for the use of the Senate.

Mr. PLATT of Connecticut. I submit the order which I send to the desk, for which I ask present consideration.

The PRESIDENT pro tempore. The order submitted by the Senator from Connecticut will be read.

The order was read, considered by unanimous consent, and agreed to, as follows:

*Ordered.* That at 2 o'clock this afternoon the Senate will proceed to the consideration of the articles of impeachment of Charles Swayne, judge of the United States district court for the northern district of Florida, presented this day.

Mr. FAIRBANKS. I ask for the present consideration of the order which I send to the desk.

The PRESIDENT pro tempore. The order will be read.

The order was read, considered by unanimous consent, and agreed to, as follows:

*Ordered.* That a committee of two Senators be appointed by the Chair to wait upon the Chief Justice of the United States and invite him to attend in the Senate Chamber at 2 o'clock this day, to administer to Senators the oath required by the Constitution, in the matter of the impeachment of Charles Swayne, or in case of his inability to attend, any one of the associate justices.

The PRESIDENT pro tempore. In pursuance of the order just adopted, the Chair appoints as the committee to wait on the Chief Justice the Senator from Indiana [Mr. FAIRBANKS] and the Senator from Georgia [Mr. BACON].

#### MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 9548) for the allowance of certain claims for stores and supplies reported to the Court of Claims under the provisions of the act approved March 3, 1883, and commonly known as the Bowman Act, except amendment No. 2, and agrees to the same with an amendment, asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. MAHON, Mr. OTJEN, and Mr. SIMS managers at the conference on the part of the House.

#### ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bill; and it was thereupon signed by the President pro tempore:

S. 5763. An act granting certain property to the county of Gloucester, N. J.

#### OMNIBUS CLAIMS BILL.

The PRESIDENT pro tempore laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 9548) for the allowance of certain claims for stores and supplies reported by the Court of Claims under the provisions of the act approved March 3, 1883, and commonly known as the Bowman Act, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. WARREN. I move that the Senate nonconcur in the amendments of the House of Representatives to the amendments of the Senate and insist upon its amendments, and agree to the conference asked for by the House.

The motion was agreed to.

By unanimous consent, the President pro tempore was authorized to appoint the conferees on the part of the Senate, and Mr. WARREN, Mr. STEWART, and Mr. MARTIN were appointed.

#### AFFAIRS IN SANTO DOMINGO.

The Senate resumed the consideration of the resolution yesterday submitted by Mr. BACON relative to affairs in Santo Domingo.

The PRESIDENT pro tempore. The Senator from Massachusetts [Mr. LODGE] has moved that the resolution submitted by the Senator from Georgia [Mr. BACON] be referred to the Committee on Foreign Relations.

Mr. BACON. Mr. President, at the time the managers on the part of the House of Representatives relative to the Swayne impeachment trial appeared in the Senate, I was speaking in a brief way as to the reference of this resolution; and while I shall personally not make any objection to its reference, as moved by the Senator from Massachusetts [Mr. LODGE], I think it is proper that there should be called to the attention of the Senate the situation and character of the resolution.

If this were a resolution in which any assertions were made on the part of the Senate, and it were necessary that there should be an investigation in order that the Senate might be informed as to the accuracy of the assertions, of course everyone would recognize the propriety of the reference; but in this case there are no such assertions. The attention of the Senate, in the resolution, is called to the fact that in the public press there are certain allegations of a very grave character which concern the prerogatives of this Senate.

Mr. FORAKER. Mr. President, will the Senator from Georgia allow me to interrupt him for a suggestion?

The PRESIDENT pro tempore. Does the Senator from Georgia yield to the Senator from Ohio?

Mr. BACON. If the Senator will permit me, I will be through in a moment.

Mr. FORAKER. But I want to make a suggestion to the Senator before he concludes, so that he may make answer to the suggestion I want to make to him.

Mr. BACON. Very well.

Mr. FORAKER. The suggestion I desire to make is, that the information called for by this resolution would be more properly sent, I think, to the Senate in executive session than to the Senate in legislative session, it seems to me; and I should be glad at least if the Senator would make his motion in executive session, instead of in legislative session. If the matters he wishes to inquire about are of the grave character that has been mentioned, they should first be communicated to the Senate in executive session.

Mr. BACON. Mr. President, if the Senator will permit me, I desire to say, in response to his suggestions, that if the statements which are made in the public press are untrue, then, of course, a simple denial of their truth on the part of the President will dispose of the whole matter. If, on the other hand, they are true, and have been, as they purport to be, given out by the State Department, I see no reason why the Senate should be so desirous for secrecy when the State Department itself has published the matter to the world.

Mr. FORAKER. Mr. President, I concede what the Senator says in that respect and I have no disposition to take issue with him about it; but I am sure there are Senators here who would vote with much more freedom for such a resolution if it were in executive session than they would vote for it in legislative session. It is an international matter that is inquired about, and the Senator has stated that it is in the nature of a treaty. Whether it is or not, I do not know; but I do not imagine it is. I imagine there may be some tentative negotiations of the character described in the newspapers, but I do not imagine that the President has undertaken to exercise the treaty-making power without consulting the Senate of the United States. But, however that may be, I think it would be more appropriate that the matter should come up in executive session. I only make the suggestion; I do not wish to be contentious about it; and if the Senator does not see fit to offer the resolution in executive session some other Senator may.

Mr. BACON. I do not propose, Mr. President, to go into any discussion of the matter at this time. I simply wish to emphasize what has been so forcibly stated by the Senator from Massachusetts [Mr. LODGE], that it is a matter of extreme gravity, and to call attention to the fact that the resolution does not in any manner make any assertion which requires any investigation on the part of the Committee on Foreign Relations. The sole question which the committee could possibly examine is whether or not the matter is of such a nature as would justify us in asking the President to communicate to the Senate such information as he may deem proper to communicate in the terms of the resolution "if not incompatible, in his judgment, with the public interest."

Now, Mr. President, the statement that such a question as that has to be examined by a committee is, I think, rather novel in its nature. But, as I said, I am not going to discuss the subject now, and therefore the suggestion of the Senator from Ohio about a secret session has not, so far as I am concerned, any particular pertinency. Of course, if it should develop that there are other Senators who desire that the matter should be considered by the Senate without a reference, then I will withdraw whatever consent I may thus impliedly give.

I wish to say that there are generally recognized two motives in the reference of any matter to a committee. It is recognized as one manner in which a matter may be permanently disposed of and withdrawn from the consideration of the Senate. But in view of the statement of the Senator from Massachusetts that this is a grave matter, which should have investigation, I rely upon that statement for the confidence I have that the purpose of making the motion is not of the first class which I have indi-

cated. Before, however, there is any action whatever upon that question, I desire that there should be an addition to the resolution, which I will send to the desk to be read.

Mr. FORAKER. Mr. President, I rise to a parliamentary inquiry.

The PRESIDENT pro tempore. The Senator will state his parliamentary inquiry.

Mr. FORAKER. The information I want is whether or not, if such a resolution be adopted, it will be appropriate for the President to make reply to the Senate, in his discretion, in executive rather than in legislative session? I do not know whether there is any practice governing that.

Mr. BACON. I think there is no question about the fact that the President is authorized to communicate with the Senate at any time he wishes to do so, either in public session or in private session, without any statement by the Senate that he is to communicate in confidence.

Mr. FORAKER. I would have no objection whatever, so far as I am personally concerned—I do not speak for anybody else—to the adoption of a resolution of this kind if it called for information in regard to this important matter to be sent to the Senate in executive session. I would not favor any delay about it by sending it to a committee—a committee of which I am myself a member—but the resolution inquires for information of this character to be sent to the Senate in legislative session. Especially if it be of the grave character Senators have stated, I think it ought to be stated in the resolution as to whether the information shall be sent to the Senate in executive or in legislative session.

Mr. BACON. I desire to ask the Senator a question in that connection. Suppose it should turn out that the President should say in reply that what purports to be the statement of the State Department as published in the newspapers is correct, that the facts therein set out are the facts of the case, then the question I would desire to ask the honorable Senator is this: In case the President should so state, would the Senator then say in the presence of the fact that it has thus been published to the world that it should only be communicated to us in secret?

Mr. SPOONER. Mr. President, if the Senator—

Mr. FORAKER. Mr. President, if I understand the inquiry of the Senator from Georgia, he is asking whether I would object to these statements, if true, being officially announced by the President to the Senate. I have no objection to what is being given out being known. That is already known.

Mr. BACON. Certainly.

Mr. FORAKER. But I imagine this is a matter that involves more than has been published. We simply had a statement giving us some idea, according to that publication, of what has been done. I have no personal knowledge on the subject; I have never talked to the President regarding it; I know nothing about it, except as the Senator knows about it, from reading it in the newspapers; but I have an idea that if there has been any protocol, as the newspapers state, entered into it is simply a protocol. Protocols are well understood to be mere memoranda of negotiations in progress leading up to a treaty to be submitted to the Senate. Now, whatever the facts are, I think they ought to come to the Senate in executive session, instead of in open session. I should have no objection to the resolution if it were offered in executive session, or if the Senator would amend it so that the President should be authorized by the terms of the resolution to communicate the facts to the Senate in either legislative or executive session, as he might see fit.

Mr. SPOONER. Mr. President—

Mr. BACON. I yielded to the Senator from Ohio [Mr. FORAKER], and I desire to reply to his interruption, with the permission of the Senator from Wisconsin, before yielding the floor, unless the Senator wants to interrupt me.

Mr. SPOONER. I was about to ask the Senator from Georgia if he would permit a question.

Mr. BACON. Certainly; but I prefer to reply first to the Senator from Ohio, and then I will hear the Senator from Wisconsin, if he desires to ask me a question.

The Senator from Ohio says that what has been published is now known. Mr. President, I did not feel when framing this resolution that I was authorized to assume the statements in the public press as statements which were recognized as official utterances of an Executive Department of the Government. If I had, I should have framed the resolution upon altogether different lines.

The object of this resolution is to inform us as to whether or not what the Senator from Ohio now asserts is known is indeed a fact.

Mr. FORAKER. I think the Senator certainly must have misunderstood me. I did not mean to say that the publication

to which the Senator refers was an official publication, but what I said was that that publication is known. Whatever authority there may be for it is another question about which I know nothing.

Mr. BACON. That is what I want to find out—what is the authority for it? That is all.

On the other point, Mr. President, as to amending this resolution so as to ask the President to send the reply to the Senate in executive session, that is not necessary. The President is authorized to communicate to the Senate either in open session or in executive session, as he sees fit, and he does it every day, some communications being addressed to the Senate in open session, and others being sent to us in executive or secret session. It is for the President to determine, and not for us to indicate, whether he shall send information to us in open or in secret session. Now, I ask that the Senator from Wisconsin [Mr. SPOONER] will do me the honor to propound his inquiry.

Mr. SPOONER. The Senator from Georgia has answered, and entirely in conformity with my own views, the question which I intended to put to him. Whether the President thinks a matter pertaining to foreign relations is or is not such that it can without detriment to the public interests be properly given to the Senate at this time is a question, of course, for the President to determine.

Mr. BACON. Certainly.

Mr. SPOONER. And whether, if the President concludes he may properly make reply to a resolution, giving the information indicated, or discovering the precise status in confidence, is for him to determine.

Mr. BACON. Undoubtedly.

Mr. SPOONER. Mr. President, without any discussion of the prerogatives of the Senate—and there is no evidence that they have been invaded—or without any discussion of the larger question—and there may be a larger question back of it, though some think there can not be—this resolution, as it is drawn, should go to the Committee on Foreign Relations for careful scrutiny. I think in all such matters the Senate can not be too careful in dealing with due regard to the absolute courtesy which should prevail always between the Senate and coordinate branches of the Government. I am not sure that this resolution is not so drawn.

Mr. BACON. The Senator, I am sure, will agree with me that the effort has been to make the resolution perfectly courteous and respectful.

Mr. SPOONER. Undoubtedly. This matter is of great consequence. It is one of great delicacy, and I think it should go to the committee in order that they may look it over—we meet to-morrow—and it may have careful scrutiny.

Mr. TELLER. Mr. President—

Mr. BACON. With the permission of the Senator from Colorado, I will ask that the modification which I have proposed may be read, and then I shall not desire further to retain the floor.

Mr. TELLER. I yield, as I understand the Senator desires his modification of the resolution to be read.

Mr. BACON. It is to come in at the conclusion of the resolution as previously drawn.

Mr. TELLER. I should like to have it read.

The PRESIDENT pro tempore. Does the Senator modify his resolution?

Mr. BACON. I do.

The PRESIDENT pro tempore. The modification will be stated.

The SECRETARY. At the end of the resolution add the following:

Also whether there has been at any time within the three years last past any arbitration by and between the Government of the United States and the Government of Santo Domingo relative to any claims of the United States or of any citizens thereof against the Government of Santo Domingo, and whether any award has been made under such arbitration, and if so, that he send to the Senate copies of all papers relating thereto.

Mr. FORAKER. Mr. President—

Mr. TELLER. I think I have the floor.

The PRESIDENT pro tempore. The Chair had recognized the Senator from Colorado [Mr. TELLER].

Mr. TELLER. Mr. President, on Sunday morning, in a reputable newspaper of this city, there appeared a statement that has been incorporated in the preamble of the resolution submitted by the Senator from Georgia [Mr. BACON], with a conclusion that the Secretary of State had been applied to, but had declined to confirm it; and yesterday morning in the Washington Post there was a statement, said to have been issued after consultation with the Secretary of State, by the Assistant Secretary of State. So I think it is proper to presume that it is a fair statement of what the Department of State wanted to

give out. It seems to me, Mr. President, the only question then left is the question whether we have the right to ask for an official statement, and not rely upon a semiofficial one. I should not myself, in any case where the executive or any other branch of the Government was implicated or interested, be willing to proceed upon a mere statement in a newspaper without an effort to acquire from that Department a statement of what the facts were.

This resolution, including the modification which has just been offered, certainly is respectful, it is temperate, and it is certainly within our jurisdiction. It reads:

*Resolved*, That the President is respectfully requested, so far as the same may be compatible with the public interest, to inform the Senate whether any agreement has been made between the United States and the Republic of Santo Domingo, and if so, the nature and terms of said agreement; and particularly whether any agreement has been made by which this Government undertakes to guarantee the integrity of the territory or Government of the Republic of Santo Domingo, and whether under said agreement this Government assumes any responsibility or obligation, pecuniary or otherwise, to the said Republic of Santo Domingo or to any other government in behalf or account of said Republic of Santo Domingo.

Mr. President, this is a call for information that I do not suppose anybody in this Senate will question. Certainly after the statement in the newspapers of what has occurred the call may be justified.

I want to say a word or two about the suggestion made by the Senator from Ohio [Mr. FORAKER] that this is a matter for executive session. If the State Department or, more properly speaking, the executive department has made an agreement of some kind with the Government of Santo Domingo to do a certain thing which they are already commencing to do, that is a public matter of such a character that it would be the height of folly for us to attempt to discuss it behind closed doors.

It may be that there are some things about this matter which the President of the United States does not care to communicate to us in open session. If so, as the Senator from Georgia [Mr. BACON] has said, it is entirely within his power to suggest that we receive the information in executive session. That has been done a great many times in our history and a great many times since I have been a member of this body.

The simple question is, What is gained by sending this resolution to the committee? Does anybody raise any question about the form of the resolution? Does anybody raise any question as to our jurisdiction in calling for this information. Is not the question one of sufficient importance that we may disturb the State Department by asking them to tell us what they have been doing?

I do not care to discuss now the question whether the State Department has invaded the rights of the legislative department, or whether they have invaded that peculiar feature of our Government which can hardly be called legislative or executive, namely, the right of the Senate to participate in the making of treaties, because that is *sui generis*. Nowhere else in the world, I believe, is there any such thing, unless it may be in the recent French constitution, which, I understand, contains some such provision.

Mr. President, under the Constitution of the United States the President of the United States can not make a treaty; he can not make a protocol; he can not make an agreement that amounts to a treaty without the approval of this body, and it is not possible for the President of the United States to change the character of a document by calling it a protocol or calling it an agreement if it is a treaty. When the makers of the Constitution incorporated in it a provision that treaties should be ratified by the Senate, I have no doubt by "treaties" they meant such instruments as the world was then calling treaties. I have had grave doubts whether they would have been willing to consider as treaties some documents which have been sent here containing certain things, the consideration of which, it seemed to me, ought to be participated in by the other branch. I believe that in using the word "treaties" they intended just what we mean in the strict sense by the term "treaty"—a contract of alliance, defensive or offensive, or explanatory of our relations, perhaps, either defensive or offensive, with another nation. If, Mr. President, an agreement can be made by which we shall administer the affairs of another government—and, as I said yesterday, whether that government is great or small does not make any difference in the principle—if we can do that and call it a protocol, or call it an agreement or a contract, and thus avoid the consideration of it by the Senate, there is not any kind of a treaty that can be made that can not thus escape the supervision of this body.

I have not the slightest doubt but that when this resolution goes to the President he will send us the information we de-

sire. It is information that we all need, and not the Committee on Foreign Relations alone; and there is nothing whatever in the resolution that needs the revision or care or attention of that committee.

I want to say to the Senator from Massachusetts [Mr. Lodge], who made the motion that the resolution be referred to the Committee on Foreign Relations, that I do not impugn his motives. I would not suggest that his motion was made for the purpose of delay. The Senator from Georgia says that has frequently been the case when matters are referred to committees, and I think sometimes very properly something is referred to a committee with the expectation that that shall be the end of it. But this is surely not a case of that kind. The information sought by the resolution under consideration is of great importance. The question it involves is not a small one. It may be that the border line between what the executive department can do in this relation without submitting its action to the Senate and what they must submit is very, very close. It may require some considerable examination on the part of the Senate to determine whether or not there has been an invasion of the jurisdiction of this body; but that can only be done when we have all the facts before us. All we are asking for now is that we shall have an opportunity to have all the facts, and not rely upon a semi-official statement made by the Assistant Secretary of State or by anybody else.

Mr. FORAKER. Mr. President, if it be in order at this time, I desire to offer an amendment to the resolution, to insert after the word "Senate," on page 6, line 3, the words "in either legislative or executive session, as he may deem advisable;" so that the resolution will read:

*Resolved*, That the President is respectfully requested, if in his judgment not incompatible with the public interest, to inform the Senate, in either legislative or executive session, as he may deem advisable, etc.

Mr. TELLER. I should like to interrupt the Senator a moment, if he will allow me. Does the Senator from Ohio believe it is in our province to determine whether the President shall send the information in executive or legislative session?

Mr. FORAKER. No.

Mr. TELLER. Is it not a matter that the President himself must determine?

Mr. FORAKER. I made an inquiry about that a few minutes ago. I did not know whether or not there was any practice on the subject. I stated in that connection that if the President, according to the practice in such cases, had an option to communicate with us on this matter in executive or legislative session, as he might deem it advisable, I was satisfied with the resolution. But there did not seem to be—

Mr. TELLER. I have not any doubt of the right of the President so to do.

Mr. FORAKER. But there did not seem to be anyone prepared to answer that question very positively.

Mr. BACON. I certainly answered it as positively as I had command of language.

Mr. FORAKER. I do not know what the Senator answered. If he will repeat his answer I will be obliged to him.

Mr. BACON. I stated, and most undoubtedly, that I recognized that it was the right of the President to send a communication to this body either in public or executive session, as he might determine, and went on to say that he did both each day of the session.

Mr. FORAKER. That is true. We all know that. The Constitution imposes that duty on him. But the question is a little different, I think, from what the Senator has in his mind. It is whether or not, when the Senate in legislative session passes a resolution calling for information, he should respond to the Senate in legislative session. I ask only for information. I have no objection to the resolution if the President is at liberty to communicate with us in executive session. I do not want to waste a minute sending it to any committee.

Mr. BACON. The Senator will recognize the fact that it is for the President to determine whether he shall answer at all or not, and if he does answer at all in what manner he shall answer.

Mr. FORAKER. Then the amendment does no harm. However, if that is the understanding of the Senate, I do not desire the amendment to be adopted.

Mr. TELLER. I think the amendment does harm.

Mr. CULLOM. Mr. President—

The PRESIDING OFFICER (Mr. KEAN in the chair). The Senator from Ohio has the floor. Does he yield to the Senator from Illinois?

Mr. CULLOM. If the Senator will allow me—

Mr. FORAKER. I have not yielded the floor. I have been interrupted. I wish to say one word more.

The PRESIDING OFFICER. The Senator from Ohio has the floor.

Mr. CULLOM. I understand.

Mr. FORAKER. I think it is all right to have this information, provided it comes to us in executive session. There might be no harm in having it come in legislative session, but surely it is a matter that it is entirely proper to send in in executive session. Nobody can have any question in his mind about that. But I think there is a difference among Senators as to whether or not the President, receiving a resolution of this kind passed in legislative session, would feel at liberty under the practice to answer in executive session.

Mr. MORGAN rose.

Mr. FORAKER. Perhaps the Senator from Alabama, who has risen, will tell us what the practice is.

Mr. MORGAN. The difficulty in the way is this: The last branch of the resolution of the Senator from Georgia calls for a transaction that is of record in the Department of State and is entirely a completed transaction. That is an arbitration that has taken place here, and an award made, between the Government of the United States and the Government of Santo Domingo, upon which this new venture is predicated, as the papers say. But that transaction is completed and is in the Department of State. I have searched as well as I could, I think thoroughly, through the archives of the executive sessions of the Senate and also through the document room and also through the statutes, to ascertain whether any part or parcel of that transaction which has resulted in this award has ever been communicated to Congress in any form whatever. I looked through the President's last message to see if he made any reference to it. He makes no reference to it that I can find.

Mr. President, there is a proposition whether or not we shall get from the Secretary of State a copy of his record of a completed transaction, not in fieri at all. There is nothing we are going to do about it or can do about it, unless it may be to affirm it or repudiate it. That is all we have to do with it. That arbitration has been held. The Government of the United States has acted upon it. The Government of the United States, under the award, now has one of its officers in charge of a port of Santo Domingo collecting the revenue. Mr. Justice Gray, I remember, was one of the arbitrators. But no information of any sort at all has ever been communicated to Congress in respect to that award, so far as I can find.

The resolution ought not to go to any committee. It is a mere resolution asking what has been done and what the records show.

Mr. FORAKER. Mr. President, so far as concerns the amendment offered by the Senator from Georgia, to which the Senator from Alabama has been speaking, I thought I would make a suggestion about that when he asked that that be considered by the Senate, and the suggestion I intended to make was that that seems to be an entirely different matter, although in this publication connected with the other. I have no objection to that information coming in in legislative session or coming in in any other place, inasmuch as it relates to a completed transaction, if there is any foundation for it at all, or any truth at all in what is said here. But the rest of it is certainly prospective, and it calls for something hereafter to be done, and it is something of a character that I think ought to be sent to us only in executive session.

Mr. LODGE. Mr. President, I made the motion to send the resolution to the committee because I thought the matter was a delicate one, an important one, and our information absolutely nothing but newspaper report. I think the debate has shown that it ought to go to the committee. Already two amendments have been offered to the resolution. I think it ought to have been offered in executive session first. I think it is a subject that belongs in executive session, and that is the sole reason why I made the motion I did. It was not for the purpose of delay, but to get the resolution into proper shape, and to let the committee decide whether it was executive business or legislative business. I have no doubt myself it is executive business, and that what has taken place ought to have been in executive session.

Mr. CARMACK. Mr. President, it seems to me the debate has shown that this resolution ought not to go to the committee and that the matter ought not to be considered in secret or executive session. The statement of Mr. Loomis, which may be regarded as a semi-official announcement, says that a certain invitation was made by the Dominican Government to the Government of the United States—that is, to the President of the United States—asking this Government to administer the revenues of Santo Domingo, guaranteeing the integrity of the territory, and so on; and Mr. Loomis, the Acting Secretary of State, informs us that the Government of the United States has ac-

cepted that invitation, and that in view of these grave conditions the President has deemed it wise at this time to assent to the strongly expressed wish of the Dominican Government.

There is not a suggestion anywhere in this statement of any purpose whatever to refer or to communicate officially to the Senate anything that has been done in this matter by the President of the United States. On the contrary, it plainly appears that there is no purpose to have the Senate ratify the agreement or the treaty which has been entered into by the President and the State Department with the Dominican Government. An agreement has already been made and is in process of execution without one word having been officially communicated to the Senate.

Mr. CULLOM. Mr. President—

The PRESIDING OFFICER. Does the Senator from Tennessee yield to the Senator from Illinois?

Mr. CARMACK. Certainly.

Mr. CULLOM. If I may be allowed to make a suggestion to the Senator, he states that an agreement has already been made. I do not know anything about it. I want to ask the Senator whether he knows anything about it, except from newspaper report?

Mr. CARMACK. Of course I do not know anything about this matter except by newspaper report—

Mr. CULLOM. Then why does the Senator—

Mr. CARMACK. We are now trying to get information from some other source.

Mr. CULLOM. If this discussion is to go on, I shall ask that the doors be closed for the consideration of the resolution. If the Senate is ready to vote upon it, I am ready to have that done.

Mr. CARMACK. I want to say one word on that proposition. It seems to me where the question of the right of the Senate to participate in a proceeding of this sort is involved it is a public matter and ought to be publicly discussed, that the Senate ought not to close the doors and shut out the public when it is discussing its own rights and the question of the invasion of its rights by the executive department of the Government.

Mr. TELLER. Mr. President, I wish to say just a word. As a matter of order and propriety, I should regret to see the amendment offered by the Senator from Ohio put on the resolution.

Mr. CULLOM. I hope it will not be put on. I think the Senator from Ohio will withdraw it.

Mr. TELLER. It indicates that there is an opinion here that the President can not himself determine what he wants considered quietly and secretly; that that is a matter for us. I should feel myself bound so to consider almost anything the President sent here if he said, "I want it considered in secret." I have no doubt he has a right so to send to us many things that it would be proper for him to send in public if he thought the time was proper or the conditions were ripe for it. I want to leave to the President of the United States that right which he has exerted for a hundred and twenty-five years without question.

Mr. FORAKER. Allow me to say a word.

Mr. CULLOM. Certainly.

Mr. FORAKER. I offered the amendment to which the Senator speaks only because there was a pronounced difference expressed among Senators about me as to whether the communication of the President in response to this resolution, if we adopted it in legislative session, should be sent to us in legislative session, or whether he was at liberty to send it to us in executive session.

I have no objection to the resolution if the President is regarded as at liberty, but if Senators are of a different opinion I wanted to make sure about the amendment. That is all. I have no disposition to offer or press the amendment if it is the general understanding of Senators that a resolution adopted in legislative session can be answered at the President's option in executive session.

Mr. CULLOM. In my judgment there is no possible doubt as to the right of the President to answer it—

Mr. COCKRELL. There can not be any doubt.

Mr. CULLOM. Either in open or in secret session. I think only last session we had an example of that sort where the President sent a message and asked that it be regarded as secret.

Mr. FORAKER. I withdraw the amendment.

Mr. CULLOM. So far as I am concerned, I knew nothing about this resolution until I came into the Senate Chamber, after the motion to refer had been made. I was on a conference committee all day yesterday and this forenoon up to the time the Senate met. It seemed to me, on picking it up and looking it over, to be a very long resolution, but I find that most of it is embraced within the whereases. I think we ought

to get rid of them. The question as to the immediate adoption of the resolution is for the Senate. I do not myself see very much objection to it. That is for the Senate to determine. I think, though, we ought to vote upon it at once, or go into executive session and discuss it there.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Massachusetts, to refer the resolution to the Committee on Foreign Relations.

Mr. MONEY. Mr. President, I am unwilling to have an immediate vote on this proposition. If the Senator from Illinois, the chairman of the Committee on Foreign Relations, prefers that this matter shall be discussed in executive session—

Mr. CULLOM. We can not hear the Senator.

Mr. MONEY. I am certainly willing that he shall have his way about it. But I am not willing that a vote shall be taken immediately, in executive or legislative session, upon such a serious proposition.

It is true, as I understand, that no official communication has reached the Senate from the White House, but the Acting Secretary of State has, it is reported, given to the public, through the newspapers, a certain statement, which is understood to be true, and which has not yet, I understand, been denied. If that statement is a correct report of what the Acting Secretary of State really said, then it is a matter of such importance that it should be discussed in the Senate at some length. It is so important a matter, in fact, that the Senate will forego its duty to itself if it does not give it due consideration. And whether gentlemen want it concluded at once or not ought not to influence the Senate in coming to some conclusion after a good deal of deliberation and discussion.

There is a good deal to be said on the subject of the Administration assuming certain powers which I do not believe constitutionally belong to it, although, of course, there is a difference of opinion on these cardinal questions between the two sides of the Chamber.

I should like it very much if the Senator from Illinois, in order that there may not be a discussion in public, would move that the Senate go into executive session to consider this matter. If he does not do that, of course we shall have to discuss it in open legislative session, because the matter can not be disposed of in a moment; it can not be voted on hastily. We must have some information.

Mr. CULLOM. It was exceedingly difficult to hear the remarks of the Senator from Mississippi, and I have not been able to hear all that he has been saying in reference to the resolution. I do not know whether he refers to the amendment that was offered by the Senator from Georgia or to the original resolution offered by him.

Mr. MONEY. I have only one paper, and that is the resolution offered by the Senator from Georgia yesterday.

Mr. PLATT of Connecticut. Mr. President, it is impossible to hear.

Mr. MONEY. I have not seen the amendment.

The PRESIDING OFFICER. The Senator from Mississippi will suspend for one moment.

Mr. MONEY. Certainly.

Mr. CULLOM. It is impossible to hear anybody.

The PRESIDING OFFICER. There is too much confusion in the Chamber.

Mr. MONEY. I am very sorry I was not heard by the Senator from Illinois; and I may also say that I did not hear half of what the Senator from Illinois said, which, I will say, was a very great loss to me, because I want the information.

Mr. CULLOM. I think it is not the fault of either of us that we were not heard.

Mr. MONEY. Perhaps not. I think I heard the Senator say if the debate was to continue, he would move an executive session?

Mr. CULLOM. It seems to me we ought to refer this resolution to the Committee on Foreign Relations, which is the motion of the Senator from Massachusetts, as it is an important resolution, or we ought to go into executive session and discuss it there, if it is desired to discuss it further.

I think the motion of the Senator from Massachusetts really is the right one, as this is an important question. The Committee on Foreign Relations meets to-morrow morning, and we can take it up and dispose of it, as we ought to do, in the right way. We will thus get rid of it here, and can go on with other business. That is the regular way to dispose of it, so far as the Senate is concerned just now. When the committee reports, if it should report adversely to asking anything of the President, of course it will be the privilege of the Senate to take up the question and assert itself in the premises. But just now, having come here as a resolution offered by one member of the Committee on Foreign Relations, it seems to me the regular and

polite thing to do is to refer it to that committee and let it act upon it at the earliest moment, and report such a resolution as ought to be adopted, calling upon the President for information.

Mr. BACON. With the permission of the Senator from Mississippi, I desire to say a word. There seems to be some objection suggested to the resolution, especially by the Senator from Illinois, on account of the whereases.

Mr. CULLOM. I think as a matter of fact the Senator ought to strike them all out.

Mr. BACON. The Senator will pardon me for a moment. The only function of the whereases is to show the basis for the resolution of inquiry, and that being well known now, if it is the desire of Senators that the resolution should be disencumbered of the whereases, and if that would lead to a present disposition of the matter, I will myself move to strike out the whereases and let the resolution stand without them.

Mr. CULLOM. I think the Senator had better move to strike them out at any rate, and then let us dispose of the resolution somehow, either by reference or adoption.

Mr. MONEY. Mr. President, I do not care to talk about the business of the Committee on Foreign Relations in an open session of the Senate, but the honorable Senator from Illinois, the chairman of that committee, is aware that we have a matter set for to-morrow which will a good deal more than consume the time to-morrow—probably that of a half dozen meetings—and there are those who are very anxious to conclude it. I am not in any hurry about it myself. If the Senator desires to take up this resolution in committee to-morrow, I shall have no objection to the motion of the Senator from Massachusetts. I do not object to the resolution going to the committee if it is understood that the committee is to act on it to-morrow. The matter that is now before it can wait.

Mr. CULLOM. We can take it up to-morrow morning. There seems to be a disposition on the part of some members of the committee to vote for the resolution as it is right now, and I should not be disposed to hold it in committee unnecessarily. If there should be an agreement that it ought to be passed, I should want it done at once. But the regular way is to refer these important resolutions to the committee for consideration and report before final action by the Senate.

Mr. LODGE. Mr. President—

The PRESIDING OFFICER. Does the Senator from Mississippi yield to the Senator from Massachusetts?

Mr. MONEY. Certainly.

Mr. LODGE. I merely want to say that there is no desire on my part to delay the resolution for a moment. I think it a very important one. I do not like its form. It is perfectly obvious here to-day that there are great differences of opinion as to its form. Reference to the committee is the recognized method of dealing with such a resolution. I think we ought to have it in committee. We meet to-morrow. It can be disposed of I think very quickly and there is not the slightest desire so far as I am aware on the part of any Senator to prevent its passage.

Mr. MONEY. I desire to continue, Mr. President. In reply to my friend the Senator from Massachusetts I will say, as far as concerns the resolution, that it is exactly in form. There can not be any objection to it on that ground. It is the best form—

Mr. LODGE. That is a matter of opinion, as the Senator will admit.

Mr. MONEY. Sir?

Mr. LODGE. It is a matter of opinion whether it is in the best form or not.

Mr. MONEY. Of course. The Senator thinks he is stating the general opinion—

Mr. LODGE. Not in the least.

Mr. MONEY. And he is stating his own, and I may think I am stating the general opinion, and I am expressing my own. I do not claim to be infallible, especially about matters of form. But it is the matter itself about which I am concerned and not the form.

But the objection seems to be to the whereases, and the whereases are based upon the statement, undenied and uncontradicted as yet, of the Acting Secretary of State.

I may be permitted to say that it is amazing to me that there should be such a transaction as the public prints report, disclosed to them by the Acting Secretary of State, without this body having some notice immediately. I take it this is one of the cases where the President must act by and with the advice and consent of the Senate. It is a very important matter to undertake the suzerainty of a republic, for it means nothing else, on account of its debts. We are under no obligation to run the fiscal affairs of anybody but ourselves.

Mr. CULLOM. What we want to know, if the Senator will

allow me, is whether the statements are true, and if not, to let the President state what is true before we discuss the matter in open session or anywhere else.

Mr. MONEY. That is exactly the object which will be attained by the immediate consideration and adoption of this resolution. To-morrow the President or the Secretary will be ready to let us know whether it is true or not. But when it is proposed to refer the resolution to the committee, the chairman of which says he does not and can not vouch for its consideration at to-morrow's meeting or any other, then I think it is fitting that the Senate should act for itself and give it immediate consideration. If it should be done in executive session, according to the sound judgment of the chairman, I will consent to that.

Mr. CULLOM. I suggest to the Senator that the resolution should take its proper course. It should be referred to the committee and reported back in proper form, and then sent to the President for his answer. I think the Senator ought to allow that to be done.

Mr. MONEY. I could not hear the remark of the Senator from Illinois. [A pause.] If it is not to be repeated, if it is a matter of indifference whether I hear it or not, I shall be in favor of the consideration and discussion of the resolution. It has to be discussed.

Mr. CULLOM. The pending question is on the motion to refer. I hope it will be adopted.

The PRESIDENT pro tempore. The question is on agreeing to the motion of the Senator from Massachusetts that the resolution be referred to the Committee on Foreign Relations.

The motion was agreed to.

#### MISSOURI RIVER BRIDGE NEAR RANDOLPH, MO.

Mr. COCKRELL. I ask unanimous consent for the consideration of the bill (S. 5646) authorizing the construction of a wagon and electric railway bridge over the Missouri River near Randolph, Mo. It is favorably reported and is indorsed by the War Department.

The Secretary read the bill; and by unanimous consent the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported from the Committee on Commerce with amendments.

The first amendment was, in section 2, page 3, line 15, after the word "subject," to strike out the rest of the paragraph in the following words:

And until the said plan and location of the bridge are approved by the Secretary of War the construction of said bridge shall not be commenced.

The amendment was agreed to.

The next amendment was, in section 4, page 3, line 25, after the word "That," to strike out down to and including the words "Secretary of War," in line 10, page 4, in the following words:

The Secretary of War is hereby authorized and directed, upon receiving such plan and other information, and upon being satisfied that a bridge so built will conform to the requirements of this act, to notify the company authorized to build the same that he approves of the same; and upon receiving such notification the said company may proceed to erect said bridge, conforming strictly to the approved plan and location, and should any change be made in the plan of the bridge or accessory works during the progress of the work thereon, such change shall be subject likewise to the approval of the Secretary of War.

And in lieu thereof to insert:

All companies desiring the use of the said bridge shall have equal privileges in the passage of trains and cars over the same, and over the approaches thereto, upon payment of a reasonable compensation for such use; and in case of disagreement in regard to the terms of such use, or the rates to be paid, the matters at issue shall be decided by the Secretary of War.

The amendment was agreed to.

The next amendment was, in section 6, page 5, line 7, after the word "within," to strike out "one year" and insert "three years;" and in line 8, after the word "date," to strike out "thereof" and insert "hereof;" so as to make the section read:

Sec. 6. That this act shall be null and void if actual construction of the bridge herein authorized be not commenced within one year and completed within three years from the date hereof.

The amendment was agreed to.

The next amendment was, in section 7, page 5, line 9, after the word "That," to strike out "this act shall take effect and be in force from and after its passage; and;" so as to make the section read:

Sec. 7. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

## PRESIDING OFFICER FOR IMPEACHMENT TRIAL.

The PRESIDENT pro tempore. Senators, thirty-two or thirty-three working days remain of this short session, and the impeachment trial of Judge Swayne must be proceeded with to a conclusion; also absolutely necessary legislation must be enacted. The duties of the Presiding Officer, whether the Senate sit as a court or as a legislative body, will be very arduous and exacting. I have not yet quite recovered from my recent illness, and I have serious doubts whether my strength would be sufficient to perform satisfactorily to you or to myself these double duties.

In justice to the Senate sitting as a court, where the proceedings certainly ought not to be delayed or interrupted, and to myself, I ask that the Senate will select a Senator to preside over the proceedings while the Senate is a court, and that I be permitted to preside in the legislative and executive sessions.

Mr. SPOONER. Mr. President, I offer the following resolution, for which I ask immediate consideration.

The PRESIDENT pro tempore. The Senator from Wisconsin offers a resolution, which will be read.

The resolution was read, as follows:

*Resolved*, That in view of the statement just made to the Senate by the President pro tempore of his inability, because of recent illness, to discharge the duties of his office, other than those involved in presiding over the Senate in legislative and executive session, the Hon. Orville H. Platt, Senator from the State of Connecticut, be, and he is hereby, appointed Presiding Officer on the trial of the impeachment of Charles Swayne, district judge of the United States for the northern district of Florida.

The PRESIDENT pro tempore. Is there objection to the present consideration of the resolution?

The resolution was considered by unanimous consent, and agreed to.

## TENNESSEE RIVER BRIDGE IN MARION COUNTY, TENN.

Mr. CARMACK. I ask the Senate to proceed to the consideration of the bill (H. R. 16570) to amend an act entitled "An act to authorize the construction of a bridge across the Tennessee River in Marion County, Tenn.," approved May 20, 1902.

The Secretary read the bill, and by unanimous consent the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

## EXPENSES OF SENATE IN THE IMPEACHMENT TRIAL.

Mr. ALLISON. I introduce at this time a joint resolution and ask that it may be read. I will then ask unanimous consent that it be considered now.

The joint resolution (S. R. 97) providing for the payment of the expenses of the Senate in the impeachment trial of Charles Swayne was read the first time by its title and the second time at length, as follows:

*Resolved, etc.*, That there be appropriated from any money in the Treasury not otherwise appropriated the sum of \$40,000, or so much thereof as may be necessary, to defray the expenses of the Senate in the impeachment trial of Charles Swayne.

The PRESIDENT pro tempore. Is there objection to the consideration of the joint resolution?

There being no objection, the joint resolution was considered as in Committee of the Whole.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

## CALL OF THE SENATE.

Mr. PLATT of Connecticut. Mr. President, the Senate has already decided to proceed with the impeachment matter at 2 o'clock, and as it is very essential that there shall be a full Senate at that time I move a call of the Senate.

The PRESIDENT pro tempore. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Aldrich	Cockrell	Hansbrough	Nelson
Alger	Crane	Heyburn	Newlands
Allee	Cullom	Hopkins	Overman
Allison	Dick	Kean	Patterson
Ankeny	Dietrich	Kearns	Perkins
Bacon	Dillingham	Kittredge	Pettus
Ball	Dolliver	Latimer	Platt, Conn.
Bard	Dubois	Lodge	Platt, N. Y.
Bate	Elkins	Long	Proctor
Berry	Fairbanks	McComas	Scott
Beveridge	Foraker	McCreary	Simmons
Burnham	Foster, La.	McCumber	Smoot
Burrows	Frye	McEnery	Spooner
Carmack	Fulton	Mallory	Stone
Clapp	Gallinger	Martin	Tallaferro
Clark, Mont.	Gamble	Millard	Teller
Clarke, Ark.	Gibson	Money	Warren
Clay	Hale	Morgan	Wetmore

Mr. SPOONER. I wish to announce the absence of my colleague [Mr. QUARLES] from the city.

Mr. WARREN. I wish to announce the absence from the city of my colleague [Mr. CLARK of Wyoming].

Mr. KEAN. I wish to state that my colleague [Mr. DRYDEN] is absent from the city on account of illness.

The PRESIDENT pro tempore. Seventy-two Senators have responded to their names.

## IMPEACHMENT OF JUDGE CHARLES SWAYNE.

Mr. PLATT of Connecticut (at 2 o'clock p. m.). It may be a mere matter of formality, but Rule III of the Rules of Procedure and Practice in the Senate when sitting on impeachment trials provides that the Presiding Officer shall administer the oath therein provided to the members of the Senate when sitting in impeachment trials. I ask unanimous consent that the rule be suspended.

The PRESIDENT pro tempore. Is there objection? The Chair hears none, and the rule is suspended.

The presence of the Chief Justice of the United States, Hon. Melville W. Fuller, was announced by the Assistant Sergeant-at-Arms.

The Chief Justice entered the Senate Chamber, escorted by Mr. FAIRBANKS and Mr. BACON, the committee appointed for the purpose, and was conducted by them to a seat by the side of the President pro tempore.

Mr. FAIRBANKS. Mr. President, the committee appointed by the Senate to wait upon the Chief Justice of the Supreme Court of the United States and request him to administer to Senators the oath required by the Constitution in the matter of the impeachment of Judge Charles Swayne report that they have discharged that duty. The Chief Justice of the Supreme Court, complying with the request of the Senate, is now present in the Senate and ready to administer the oath required to be administered to the members of the Senate sitting in the trial of impeachments.

The Chief Justice administered the oath to the President pro tempore as follows:

You do solemnly swear that in all things appertaining to the trial of the impeachment of Charles Swayne, judge of the district court of the United States for the northern district of Florida, now pending, you will do impartial justice according to the Constitution and laws. So help you God.

The PRESIDENT pro tempore. The Senator from Connecticut will please present himself as Presiding Officer of the Senate while in court and take the necessary oath.

Mr. PLATT of Connecticut advanced to the Vice-President's desk, and the oath was administered to him by the Chief Justice.

The PRESIDENT pro tempore. The Secretary will call the roll, and as their names are called Senators will present themselves at the desk in groups of ten, and the oath will be administered to them.

The Secretary called the names of Messrs. ALDRICH, ALGER, ALLEE, ALLISON, ANKENY, BACON, BAILEY, BALL, BARD, and BATE, and these Senators, with the exception of Mr. ALDRICH, advanced to the area in front of the Vice-President's desk, and the oath was administered to them by the Chief Justice.

The Secretary called the names of Messrs. BERRY, BEVERIDGE, BLACKBURN, BURNHAM, BURROWS, BURTON, CARMACK, CLAPP, CLARK of Montana, and CLARK of Wyoming, and these Senators, with the exception of Mr. BLACKBURN, Mr. BURTON, and Mr. CLARK of Wyoming, appeared, and the oath was administered to them by the Chief Justice.

The Secretary called the names of Messrs. CLARKE of Arkansas, CLAY, COCKRELL, CRANE, CULBERSON, CULLOM, DANIEL, DEPEW, DICK, and DIETRICH, and these Senators, with the exception of Mr. CULBERSON, Mr. DANIEL, and Mr. DEPEW, appeared, and the oath was administered to them by the Chief Justice.

The Secretary called the names of Messrs. DILLINGHAM, DOLLIVER, DRYDEN, DUBOIS, ELKINS, FAIRBANKS, FORAKER, FOSTER of Louisiana, FOSTER of Washington, and FULTON, and these Senators, with the exception of Mr. DRYDEN and Mr. FOSTER of Washington, appeared, and the oath was administered to them by the Chief Justice.

The Secretary called the names of Messrs. GALLINGER, GAMBLE, GIBSON, GORMAN, HALE, HANSBROUGH, HAWLEY, HEYBURN, HOPKINS, and KEAN, and these Senators, with the exception of Mr. HAWLEY, appeared, and the oath was administered to them by the Chief Justice.

Mr. PLATT of Connecticut. I desire to announce that my colleague [Mr. HAWLEY] is detained at home by illness.

The Secretary called the names of Messrs. KEARNS, KITTREDGE, KNOX, LATIMER, LODGE, LONG, MCCOMAS, MCCREARY, MCCUMBER, and MCENERY, and these Senators, with the exception of Mr. KNOX, appeared, and the oath was administered to them by the Chief Justice.

Mr. PENROSE. I desire to announce that my colleague [Mr. KNOX] is absent from the city.

The Secretary called the names of Messrs. McLAURIN, MALLOY, MARTIN, MILLARD, MITCHELL, MONEY, MORGAN, NELSON, NEWLANDS, and OVERMAN, and these Senators, with the exception of Mr. McLAURIN and Mr. MITCHELL, appeared, and the oath was administered to them by the Chief Justice.

The Secretary called the names of Messrs. PATTERSON, PENROSE, PERKINS, PETTUS, PLATT of New York, PROCTOR, QUARLES, SCOTT, SIMMONS, and SMOOT, and these Senators, with the exception of Mr. QUARLES and Mr. SCOTT, appeared, and the oath was administered to them by the Chief Justice.

The Secretary called the names of Messrs. SPOONER, STEWART, STONE, TALIAFERRO, TELLER, TILLMAN, WARREN, and WETMORE, and these Senators, with the exception of Mr. TILLMAN, appeared, and the oath was administered to them by the Chief Justice.

Mr. LATIMER. My colleague [Mr. TILLMAN] is prevented from attending the session of the Senate on account of sickness.

Mr. DANIEL appeared, and the oath was administered to him by the Chief Justice.

Mr. SCOTT appeared, and the affirmation was administered to him by the Chief Justice.

Mr. KEAN. My colleague [Mr. DRYDEN] is necessarily absent from the Senate.

Mr. PLATT of New York. I beg to announce that my colleague [Mr. DEPEW] is absent from the city.

The PRESIDENT pro tempore. The oath has been administered to all Senators who are now present.

Mr. BAILEY. Mr. President, I presume, although the roll was not called, so that Senators could answer to their names, nevertheless the proper officers of the Senate have recorded the Senators who are present and who have taken the oath, and that it will appear that certain Senators have not taken the oath. Among those Senators is my colleague [Mr. CULBERSON], who is now absent in attendance upon the legislature of the State of Texas, and I desire that announcement to appear.

The PRESIDENT pro tempore. Whenever an absent Senator shall announce his presence, the oath will be administered to him.

Mr. WETMORE. I desire to announce the unavoidable absence of my colleague [Mr. ALDRICH].

The Chief Justice withdrew from the Chamber, escorted by Mr. FAIRBANKS and Mr. BACON.

Mr. PLATT of Connecticut. Mr. President, in order that the record may be complete, I ask that the names of those Senators who have not appeared and taken the oath may be called.

The PRESIDENT pro tempore. The names of Senators who have not taken the oath will now be called.

The Secretary called the names of absent Senators, as follows:

Messrs. ALDRICH, BLACKBURN, BURTON, CLARK of Wyoming, CULBERSON, DEPEW, DRYDEN, FOSTER of Washington, HAWLEY, KNOX, McLAURIN, MITCHELL, QUARLES, and TILLMAN.

The PRESIDENT pro tempore. The Senator from Connecticut [Mr. PLATT] will now please take the chair.

Mr. PLATT of Connecticut thereupon took the chair.

The PRESIDING OFFICER (Mr. PLATT of Connecticut). Senators, the Senate is now sitting for the trial of the impeachment of Charles Swayne, judge of the United States district court in and for the northern district of Florida.

Mr. FAIRBANKS. Mr. President, I offer the order which I send to the desk, and ask for its present consideration.

The PRESIDING OFFICER. The order submitted by the Senator from Indiana will be read.

The order was read, as follows:

*Ordered*, That the Secretary notify the House of Representatives that the Senate is now organized for the trial of articles of impeachment against Charles Swayne, judge of the United States district court for the northern district of Florida, and is ready to receive the managers on the part of the House at its bar.

The PRESIDING OFFICER. If there be no objection, the order will be now considered. The question is on its adoption. [Putting the question.] The order is agreed to. The Secretary will so inform the House of Representatives.

Senators, the Chair is sure it will not be out of place for him to speak of the absolute importance that all Senators who have been sworn shall be in their seats during the entire proceedings of the impeachment trial. Even committee work ought to be suspended during the hours when the impeachment trial shall be proceeding. The Chair thought it proper to speak of this at the present time and to express the hope that all Senators may be present during the proceedings.

At 2 o'clock and 27 minutes p. m. the managers of the impeachment on the part of the House of Representatives ap-

peared at the bar and their presence was announced by the Sergeant-at-Arms.

The PRESIDING OFFICER. The Sergeant-at-Arms will conduct the managers to the seats provided for them within the bar of the Senate.

The managers were conducted to the seats assigned them within the space in front of the Secretary's desk.

The PRESIDING OFFICER. Gentlemen managers, the Senate is now organized for the trial of the impeachment of Charles Swayne, United States judge in and for the northern district of Florida.

Mr. Manager PALMER rose and said: Mr. President, we are instructed by the House of Representatives, as its managers, to demand that the Senate shall issue process against Charles Swayne, district judge of the United States in and for the northern district of Florida, that he answer at the bar of the Senate the articles of impeachment heretofore exhibited by the House of Representatives through its managers.

Mr. FAIRBANKS. Mr. President, I propose the order which I send to the desk, and I ask for its immediate consideration.

The PRESIDING OFFICER. The order will be read. The order was read, considered by unanimous consent, and agreed to, as follows:

*Ordered*, That a summons be issued, as required by the rules of procedure and practice in the Senate when sitting for the trial of impeachment of Charles Swayne, returnable on Friday, the 27th day of the present month, at 1 o'clock in the afternoon.

Mr. FAIRBANKS. Mr. President, I present another order, which I send to the desk, and for which I ask immediate consideration.

The order was read, considered by unanimous consent, and agreed to, as follows:

*Ordered*, That the Senate, sitting for the trial of impeachment of Charles Swayne, adjourn until Friday, the 27th instant, at 1 o'clock in the afternoon.

The PRESIDING OFFICER. The order having been agreed to, the Senate, sitting for the trial of the impeachment, stands adjourned until 1 o'clock on Friday, the 27th instant. The Senate will resume its legislative session.

Mr. PLATT of Connecticut thereupon vacated the chair, which was resumed by the President pro tempore.

#### PERMANENT SYSTEM OF HIGHWAYS IN THE DISTRICT.

The PRESIDENT pro tempore. The Chair lays before the Senate the unfinished business, being the "statehood bill," so called.

Mr. GALLINGER. I ask the Senator in charge of the statehood bill if he will yield to me that I may ask for the consideration of a District of Columbia bill, which will probably not provoke any debate.

Mr. BEVERIDGE. Upon the understanding that the bill which the Senator proposes to present will cause no discussion, I ask unanimous consent that the unfinished business may be laid aside temporarily for the purpose of enabling the Senator to call up his bill.

The PRESIDENT pro tempore. The Senator from Indiana asks unanimous consent that the unfinished business may be temporarily laid aside in order that the Senator from New Hampshire may ask consideration for a certain bill. Is there objection? The Chair hears none.

Mr. GALLINGER. I now ask unanimous consent for the present consideration of the bill (H. R. 16450) to authorize certain changes in the permanent system of highways, District of Columbia.

The Secretary read the bill; and, there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration. It authorizes the Commissioners of the District of Columbia to prepare a new highway plan for that portion of the District lying north of the Sheriff road and southeast of the right of way of the Alexandria branch of the Baltimore and Ohio Railroad Company and extending to the District line, under the provisions contained in the act of Congress approved March 2, 1893, entitled "An act to provide a permanent system of highways in that part of the District of Columbia lying outside of cities," and an amendment to that act, approved June 28, 1898, and provides that upon the completion and recording of the new highway plan it shall take the place of and stand for any previous plan for that portion of the District of Columbia.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

#### MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. C. R. McKENNEY, its enrolling clerk, announced that the House had passed the following bill and joint resolution:

H. R. 17769. An act to grant certain lands to the Agricultural

and Mechanical College of Oklahoma for college farm and experiment station purposes; and

H. J. Res. 164. Joint resolution for the printing of a compilation of the laws of the United States relating to the improvement of rivers and harbors.

POWER OF PRESIDING OFFICER IN IMPEACHMENT TRIALS.

Mr. SPOONER. Mr. President, the rules of the Senate governing the sessions of the Senate when it is sitting in the trial of impeachments seems to draw a distinction between the Presiding Officer of the Senate and the Presiding Officer on the trial. Rule V provides:

V. The Presiding Officer shall have power to make and issue, by himself or by the Secretary of the Senate, all orders, mandates, writs, and precepts authorized by these rules, or by the Senate, and to make and enforce such other regulations and orders in the premises as the Senate may authorize or provide.

The forms of summonses and subpoenas are all signed by the Presiding Officer of the Senate. In order to remove all possible question as to who shall sign the mandates of the Senate, including subpoenas, I offer the resolution which I send to the desk, and ask unanimous consent for its present consideration.

The PRESIDENT pro tempore. The resolution will be read. The Secretary read as follows:

*Resolved*, That the Presiding Officer on the trial of the impeachment of Charles Swayne, judge of the United States in and for the northern district of Florida, be, and is hereby, authorized to sign all orders, mandates, writs, and precepts authorized by the rules of procedure and practice in the Senate when sitting on impeachment trials, and by the Senate.

The PRESIDENT pro tempore. Is there objection to the present consideration of the resolution? The Chair hears none, and the resolution is before the Senate.

Mr. BACON. Before the resolution is agreed to, I should like to ask the Senator from Wisconsin if it is not a fact that throughout the rules there is some ambiguity, if I may so speak, and would it not be well to make Rule V broad enough, not only to cover the particular function mentioned in that rule, but all other duties which are connected with impeachment trials after the organization of the court, which in the rules generally are delegated to the Presiding Officer, without stating whether he is the Presiding Officer of the Senate or the Presiding Officer of the court?

Mr. SPOONER. Mr. President, the whole matter seems to me to be in the power of the Senate. The Constitution invests each House with the power, without limit, to make its own rules of procedure. Under the Constitution the function of trying impeachment cases devolves upon the Senate, and the provision of the Constitution must be construed as authorizing the Senate to make the rules which it may deem necessary for the proper discharge of all of the duties and functions devolved upon it by the Constitution. The Senate has, I think, within its power and with perfect propriety under the circumstances, appointed a Senator to preside, using the language of the rule, to be "the Presiding Officer on the trial." That clearly vests in him the functions, as I think, of passing upon the admissibility of evidence and upon the various questions which may arise in the course of the trial.

This question is one which must be determined at once, for a summons is to be issued to Judge Swayne to appear, and it is important, of course, that there shall be no doubt that the officer signing the summons has the power to do so.

The rules need revision anyway. In several particulars I think they are a little inconsistent, and in some particulars quite blind.

Mr. BACON. And in others quite uncertain.

Mr. SPOONER. Yes. But there is no time now to enter upon a revision of the rules, so I hope the Senator will allow us by this resolution, which clearly covers it, to meet the particular necessity which now confronts us.

Mr. BACON. Mr. President, I recognize fully the absolute correctness of everything which the Senator from Wisconsin has stated.

Mr. SPOONER. If the Senator will allow me there—

Mr. BACON. If the Senator will pardon me, I do not wish that the remarks I have so far made should be misunderstood by others. I do not disagree with him in anything he has said; on the contrary, as I have stated, I recognize fully the correctness of everything which he has said. My purpose was not to interfere in any manner with what it is proposed to do by his amendment to the rules, but knowing the fact of their ambiguity and uncertainty and conflicting clauses, it occurred to me that possibly some general language might be used which would not only cover this particular necessity, but which would cover all, so far as to vest within the power of the Presiding Officer on the trial, whom we have selected, all the powers which are exercised after the organization of the court and which are

conferred under the rules generally on the Presiding Officer. But if the Senator thinks that the rule originally adopted, by which we conferred certain powers upon the Senator from Connecticut [Mr. PLATT] as the Presiding Officer, are sufficient to cover the general features which I have in mind, and that it would be better simply to have this specific rule as to this specific function, of course I will not urge the matter.

Mr. SPOONER. It is my impression, Mr. President, that there is no absolute necessity for the adoption of this resolution. I think probably "the Presiding Officer of the Senate" means "the Presiding Officer of the Senate sitting as an impeachment tribunal," but there is a question about it.

Now, if the Senator will turn to Rule VII—

Mr. BACON. I have it before me.

Mr. SPOONER. It provides:

VII. The Presiding Officer of the Senate shall direct all necessary preparations in the Senate Chamber, and the Presiding Officer on the trial shall direct all the forms of proceedings while the Senate are sitting for the purpose of trying an impeachment, and all forms during the trial not otherwise specially provided for. And the Presiding Officer on the trial may rule all questions of evidence and incidental questions, which ruling shall stand as the judgment of the Senate, unless some member of the Senate shall ask that a formal vote be taken thereon, in which case it shall be submitted to the Senate for decision, etc.

Ordinarily the Presiding Officer of the Senate would be the Presiding Officer of the trial.

Mr. BACON. If the Senator will pardon me, of course I do not wish to interfere with this particular order, but, as we have the subject before us for the moment, I may say the difficulty is that while Rule VII itself differentiates between the Presiding Officer of the Senate and the Presiding Officer on the trial, there are other rules, Rule V, for instance, in which there is no such differentiation, and in which the simple designation "Presiding Officer" is had.

Mr. SPOONER. The resolution I have submitted is applied to Rule V. It clears Rule V, or is intended to do so.

Mr. BACON. Rule VII speaks of the Presiding Officer of the Senate and of the Presiding Officer on the trial, whereas Rule V only speaks of the Presiding Officer, without stating which one it is. While under some proper rule of construction it may be legitimate to draw the conclusion which the Senator does, Rule VII does make that clear. It is very much better, in my opinion, that it should be specified rather than left to a question of construction, but I do not insist upon it at this time. I quite agree with the Senator that the rules should be revised, but this is not the proper time to do it. We can get along with what we have now.

Mr. SPOONER. In this particular matter it must be made absolutely clear that if one is summoned or subpoenaed to appear and refuses to do so, it is necessary that there shall be no doubt about the power of the officer who sent the process to sign it.

Mr. BACON. The Senator is entirely correct in that.

Mr. SPOONER. I hope the resolution may be passed at this time.

The resolution was unanimously agreed to.

STATEHOOD BILL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 14749) to enable the people of Oklahoma and of the Indian Territory to form a constitution and State government and be admitted into the Union on an equal footing with the original States; and to enable the people of New Mexico and of Arizona to form a constitution and State government and be admitted into the Union on an equal footing with the original States.

Mr. McCUMBER. Mr. President, I had not intended to discuss the statehood bill to-day, but I understand that there is no other Senator who desires to speak on the subject at this time, and therefore I will take but a few minutes of the Senate's time in the discussion of some of the reasons which actuate me in supporting an amendment which I presented to this body a few days since. That amendment calls for four States to be erected out of four Territories constituting the balance of the domain within the present limits of the United States.

The discussions and the arguments on the part of those Senators who support the present statehood bill and who two years ago opposed the statehood bill, which had been reported at that time, seem to be pervaded with the sentiment that we have something disagreeable on our hands, something that we would like to get rid of, something that we must, however, dispose of in some manner, and those who have so generously reported in favor of the creation of two States, if I may take their arguments as the basis of their own opinions, seem to feel that they are compelled to swallow something that is extremely disagreeable to them.

Mr. President, the situation has not in the least impressed

me as of that character. For my own part, I confess I am glad we have got these Territories; I am glad we have got these people in the United States, and I am glad, as one Senator, to take my stand and say that I deem it a privilege and a duty to assist in granting to the people of these Territories rights which have been denied to some of them for nearly fifty years, rights which ought to be accorded to all of them at the present time and under the present conditions.

We have here four good-sized Territories, as one will see by the map which has been placed on the wall for our convenience. Each one of these Territories is eager, is anxious, and would be happy to become one of the States of the Union, and I believe, Mr. President, that we ought to be equally glad and equally happy to receive them into the Union as States.

There are really two great questions in the consideration of this whole subject. First, would it be beneficial to the interests of the United States to add four more States to the Union, these four States to be Oklahoma, the Indian Territory, New Mexico, and Arizona? Secondly, would it be beneficial to the States themselves to be so admitted? If both of these questions are answered in the affirmative, then it becomes a moral duty on the part of the Senate to so admit them.

I have hurriedly read over the very exhaustive address of the Senator from Minnesota [Mr. NELSON] made in this session of Congress upon the subject-matter. I have read his address made two years ago on the same subject. He is to be complimented upon its exhaustive character, upon the research that is evidenced by his whole address, and for the information that he has given to this body. I will assume, therefore, that every table he has given us is absolutely correct. I will assume that his assertions in relation to the resources of the Territories, the character of their people, and the possibilities of their future are substantially correct, and yet, admitting every one of these figures, the question arises, What single reason does the Senator from Minnesota urge against the admission of any one of these Territories as a separate State? What reason has he given against the admission of one of those Territories that would not to-day apply against many of the States of the Union? I confess it seems to me that the very arguments which he has used would be applicable if some of the old States were to-day seeking admission into the Union.

I wish to call attention to the reasons which have been given by the Senator from Minnesota against the admission of all four Territories—New Mexico, Arizona, Oklahoma, and the Indian Territory—as separate States. Speaking of the two Territories, Oklahoma and the Indian Territory, the Senator said:

The bill proposed to give the State of Oklahoma, composed of these two Territories, with that population, five Representatives in Congress, divided by the bill into five separate and distinct districts. They would be entitled to that representation upon the basis of the census of 1900, and if we take the present population as a basis, they would be entitled perhaps to six, if not seven, Representatives. The basis of representation in the House under the census of 1900 is, in round numbers, 194,000. The population of the two combined, taking the census of 1900, would be 790,391. I am satisfied, as I said a moment ago, that those Territories have a population to-day in excess of a million people.

In another place the Senator asserts that their population amounts to about 1,200,000, and therefore they would be entitled to about seven Representatives. Speaking now of the reasons for combining Oklahoma and the Indian Territory into one State, he says:

I called attention to the character of the transportation facilities of the two Territories; I called attention to the make-up of the population of the two countries; and I called attention to the natural resources of the two Territories, showing that the one in natural resources was the complement of the other, Oklahoma being in the main a grazing and agricultural Territory, while Indian Territory was not only to some extent an agricultural Territory, but also a country possessed of a large quantity of valuable timber (including pine), valuable coal lands, and lands containing gas and various minerals.

In other words, the very basis of his reason for uniting these two Territories in one State is that the diverse products and resources of the one Territory would supplement those of the other.

Mr. President, if that is good reasoning in the one instance it is equally good reasoning in the other—that of combining the other two Territories in a single State. But as ground for his argument he gives exactly the opposite reason for uniting the other two Territories in a single State. He says, speaking now of the Territories of Arizona and New Mexico:

They are apparently vast in area, but substantially not vast, as I endeavored to make plain in my remarks, in resources or development. It is better to unite them into one State because they are all of the same character in reference to their resources and soil.

It is better to unite them in one State because of their like character in reference to resources and soil. On the other hand, it is better to unite the others in one State because of the diversity of their resources and the character of their soil. The same argument, it seems to me, has been applied pro and con

upon the subject without reference to what it may really be worth for the bill or as against it. The reason in one case should apply the same as in another. I have taken his estimates of the general progress in these two States—

Mr. BEVERIDGE. Does the Senator admit the validity of the reasoning of the Senator from Minnesota [Mr. NELSON], whose speech I believe he is answering, in the first instance?

Mr. McCUMBER. It is undoubtedly well for any State to have more than one kind of an industry.

Mr. BEVERIDGE. So the Senator does think that that reasoning is influential for the jointure of the two Territories in that case?

Mr. McCUMBER. If I admit that it is in one instance, it must be equally so in another.

Mr. BEVERIDGE. Then, if that is true, and it should develop that the resources of New Mexico and Arizona, like the resources of Oklahoma and the Indian Territory, are diverse instead of uniform, as is there stated, the Senator would admit that to be a reason why jointure should occur there also?

Mr. McCUMBER. I would not admit it to be a reason why jointure should occur in either instance.

Mr. BEVERIDGE. Oh, I thought—

Mr. McCUMBER. There are other reasons.

Mr. BEVERIDGE. I thought the Senator did.

Mr. McCUMBER. There are other reasons which are more potential than that given by the Senator, which must govern in the admission of States.

Mr. BEVERIDGE. That may be—

Mr. McCUMBER. One moment. I have stated to the Senator that undoubtedly a State with diversified industries would be better than a State with a single industry. It does not necessarily follow that it would.

I do not know that there are diversified industries naturally in the State of Iowa or in the State of Illinois. They are naturally agricultural States. They have grown into States having diversified industries by reason of the population which those States have been able to support, irrespective of the fact whether they had the natural qualities for other industries.

Mr. BEVERIDGE. I understood the Senator to say, in answer to my first question, that he did regard the argument given by the Senator from Minnesota in the case of Oklahoma and the Indian Territory as a valid one; not the only one—

Mr. McCUMBER. I did not.

Mr. BEVERIDGE. Not the conclusive one, but as a valid one. I ask him if that was true in that case, would it not be true in the other case, if the same situation existed there?

Mr. McCUMBER. I did not consider it a very strong one in either case. I referred to it simply as showing that the argument in one case would apply equally in another, without going into the question as to the weight that should be given to argument of that character.

Now, let us suppose that these statements and tables are absolutely correct as given by the Senator from Minnesota. Suppose that the copper mines of the Territories of New Mexico and Arizona, or of the gold and silver mines of those two Territories, have not advanced by great leaps and bounds. What then? They have made good progress, as the Senator must admit. Neither has the wheat crop of the State of Wisconsin, or the State of Iowa, or the State of Illinois, or of Indiana, or Minnesota progressed by leaps and bounds in the last decade. In fact the percentage will not be as high, I believe, as the advancement of the mineral production of those two Territories.

The question, it seems to me, is this: Taking into consideration the size, the present population, the resources, the possibilities of the future for those two Territories, possibilities inherently within their own boundaries, that which will develop them into good States, have they the resources and the population to create good substantial States? By this I mean States that are capable of protecting their people, safeguarding their institutions, their rights, and their liberties without being burdensome; States that are capable of securing for their children the educational advantages they should have in this century; States that are able to build capitolis; that are able to construct asylums for the insane and the helpless; that are able to build penitentiaries to protect the public against the vicious or the criminally inclined.

If they have those capabilities, then they may become proper States of the Union, and if they have not those capabilities, then we can say with equal truth that there are many States in the Union which are exactly in the same class.

But, Mr. President, they have the ability, and undoubtedly we will see in the future in those States institutions of the grandest character of any in the United States. I know it is said to-day that these are arid Territories, but anyone who will go over them will see the possibilities of development not only

from the standpoint of agriculture, but from that of mineral wealth and the resources of their great forests in the mountains. He can easily see that in the future there will be a wonderful development and progress.

So far in our history they have been isolated. So far in our history there have been other public lands where there has been sufficient rainfall to invite immigration from the older States. Such character of country is fast disappearing. Only the arid and the semiarid remain. The population of the United States has increased almost threefold in the last forty-five years. In another forty-five years, or another half century, it is probable we will have more than 200,000,000 people in these United States.

When we have that population they will have to go somewhere, live somewhere. New methods will be adopted whereby we may lure out of the dry earth products that so far in our history we have been incapable of raising in the arid and semiarid sections. Our great agricultural colleges of the Northwest are doing wonderful duty. They are pressing, quietly yet surely, year by year the arid belt backward toward the Rockies. On the other hand, the irrigation projects, starting from the Rocky Mountains, are pressing farther east, and the time will not be far distant when these two lines meeting will make practically all the lands in the arid and semiarid region capable of producing for the good of man.

It has been stated here, for instance, in reference to cattle raising that cattle can not be ranged at a distance of more than 4 or 5 miles from water. Let us suppose that that is true. In irrigating for agricultural purposes we must have exactly the right declination of the land. To irrigate we must have land so sloping that we can open sluices and can water great tracts of it. I understand it requires in the arid region about 30 inches of water during the year to fit the land to raise crops. That does not apply to cases of securing water in the lower places for the use of cattle. You can go into Arizona, you can go into New Mexico, to-day and you can take from the mountains in those Territories streams that you could not use for agricultural purposes, but that you can bring many miles into the interior and divert smaller streams from them into still lower places. Cattle can go down hill to drink, and we do not need to raise the water up to a common level. That will be done in the future whenever the necessities of the occasion require it.

Mr. BEVERIDGE. Will the Senator permit me?

Mr. McCUMBER. Certainly.

Mr. BEVERIDGE. Will the Senator indicate where in Arizona, for example, there is a stream which could be diverted as the Senator describes, so as to furnish any very great tract of land, away from its own bed, with water for irrigation purposes?

Mr. McCUMBER. I have not gone into the question of irrigation particularly in that Territory, because there are many difficulties that would have to be overcome in the matter of furnishing water for irrigation, which would not have to be overcome in the matter of furnishing water for stock upon the wide ranges.

Mr. BEVERIDGE. I want to suggest that if my recollection serves me, and I believe it does, the subcommittee found, upon the testimony of Mr. Fowler, one of the very ablest advocates of statehood for Arizona, that he had a ranch of some 400 acres, while we were there. There were ditches all through his ranch. It was all prepared for irrigation. The Salt River was hard by, and yet so scarce was the water and so scarce had it been that summer that he could only irrigate, if my recollection serves me, 100 acres, or about that. I merely cite this to the Senator to show that in spite of industry and skill and everything else the water is not there.

Of course, also, the Senator will admit that cattle can not graze farther than 4 miles from water?

Mr. McCUMBER. What I am stating is that while cattle may not graze for a distance of more than 4 or 5 miles from where they can get water, you can get water in many places where cattle could reach it where the water could not be utilized for purposes of irrigation.

The Senator from Indiana has spoken of an isolated case. I read but a short time ago a description by the chief engineer in the Bureau of Irrigation, Mr. Newell, made only this last summer, in which he made the broad statement that the irrigation plans as now contemplated and as they had already been mapped out would make a garden out of Nevada and a paradise out of Arizona.

Mr. BEVERIDGE rose.

Mr. McCUMBER. Now, I leave the head of this Bureau, in the matter at least of investigating the possibilities of irrigation, to settle that question with the Senator from Indiana.

Mr. BEVERIDGE. No, if the Senator will permit me. Assuming the Senator's statement of what Professor Newell said to be correct, I will let Professor Newell's article settle with his testimony.

The Senator will remember that the Committee on Territories took the testimony of this expert. He will find it at considerable length in the hearing before the committee. He published as part of his testimony maps of New Mexico and Arizona showing the portions possible of irrigation. He further gave it as his opinion, upon the question whether the irrigation proposed would be a success or not, that it was a question of speculation. I assume that the Senator will find, upon reading the article to which he refers, and which I have not read, I will say, that the professor says that, assuming it is a success, which is still a matter of speculation, it might be turned into a garden spot.

The Senator will find that Professor Newell's testimony upon this very question applied to these particular Territories and to all forms of irrigation, not only from streams, but from water raised from wells. The whole situation was gone into very carefully by this very Professor Newell in testifying before the committee, and it was printed in the hearings for the use of the Senate.

Mr. McCUMBER. I have read or heard quoted at least that portion of the statement.

Mr. BEVERIDGE. My statement is correct?

Mr. McCUMBER. I certainly would not challenge the correctness of a statement by a Senator who has in mind a particular portion of some of the evidence that was given before the committee. I simply reiterate the statement of Mr. Newell, that was made and published broadcast over this country, to the effect that the present scheme of irrigation would convert Nevada into a garden and Arizona into a paradise; and I will leave that standing side by side with any testimony he may have given before the committee.

The number of acres that could be utilized for irrigation purposes in these two Territories has been estimated again and again, and I will leave it for experts, and not undertake myself to determine which is correct.

Now, take into consideration their size. It is sought to create a single State of Arizona and New Mexico, which, according to the statement of the Senator from Idaho the other day on this floor, have their capitals so far apart that the distance between them is greater than the distance between the city of New York and the city of Chicago.

It may be stated, too, that these capitals are not at the farther limits of the two Territories. Yet Senators propose by this bill to have but one capital, to have but one State, to compel subpoenas to be carried half across the continent of the United States, to compel witnesses to travel twelve or fifteen hundred miles to court, to increase enormously all cost of litigation, to increase enormously, by reason of mileage to reach the capital, the expense of the legislature, which expenses could be almost cut in two by making two States out of this section.

The principal objection to creating a single State out of each of these two Territories is that they will not develop in the future sufficiently so that they will average up in population and in resources to the average State in the Union.

I will admit, for the purposes of the argument, that even we at this time can forecast a thousand years ahead so correctly that we can assert this as a fact. Even if that is true, what is the result? What harm comes from it? Suppose they do not average up with the average State of the Union in the matter of population and in the matter of natural resources. Neither does the State of Maine so average up; neither does the State of New Hampshire, nor Vermont, nor Connecticut, nor Rhode Island, nor Delaware so average up. And would any man, if it were in his power to-day, take those States and unite New Hampshire and Vermont into a single State? Would he attach Delaware to one of the States, as to New Jersey? Would he attach Rhode Island to Connecticut?

I do not believe there is a single Senator here to-day who would, were it in his power, change the present representation by coupling any of these Territories and combining them into a single State, or for a moment consider it either proper or feasible. And if that is true, why will not exactly the same rule apply to the Territories of New Mexico and Arizona?

It is admitted on this floor that the Territory of Oklahoma to-day has more than a half million people. It is admitted to-day that the Indian Territory has substantially or nearly that number of inhabitants. Now, compare those with these old States: New Hampshire has but 411,000 in round numbers; Vermont has but 343,000 in round numbers; Rhode Island has but 428,000 in round numbers; Delaware has but a hundred and eighty-four thousand in round numbers. So either one of these young Terri-

tories to-day has the population and possibilities of resources far beyond the majority of the New England States. The New England States are two or three hundred years old.

These Territories—Oklahoma and Indian Territory—since they became inhabited by white people, are scarcely a half-century in age, and, considering the present development and the possibilities of the future, either one of those Territories, Oklahoma or the Indian Territory, will make a greater State than any one of these great New England States.

Has the representation from New England been detrimental to the interests of the United States? It has furnished us, Mr. President, with the very cream of representation in the Congress of the United States. Can we say, then, legislating not for to-day, not for a hundred years from to-day, legislating, possibly, for a thousand years ahead, that these Territories, New Mexico and Arizona, with all the possibilities of the future, with all of the inventive genius of the country bent upon making them productive States, will not be able to support a State equivalent in power, in importance, in population, to any one of these Eastern States? When we come to analyze the reasons that are urged against them they melt like frostwork in the morning ray.

Mr. President, if injury would result from the admission of these States because they are not as populous and as important as some of the other States of the Union, then the same reasoning would say that injury has resulted because some of the States which already have been admitted are not of equal importance to other States. But, Mr. President, the idea of representation of States in the Senate of the United States is no longer the dominant idea. The idea that we are to represent simply the people within certain defined boundaries has long since ceased to be considered. What is the dominant idea? Forty years ago the child's attention, in learning the map of the United States, was directed to the sharp dividing lines of the several States constituting it.

To-day we scarcely notice the States, but we are impressed with great subdivisions—the manufacturing sections of New England; the lumbering sections of the Southeastern States; the cotton-raising section; the iron sections of West Virginia, Pennsylvania, and along the Allegheny Mountains; beyond that, the oil sections in Pennsylvania and in Ohio; beyond this, the great agricultural sections of the Central and what are yet known as the Western States; beyond that, the Great Plains, given up almost wholly to stock raising; beyond this, the mineral sections of the country; and on the western slope the great forests of pine which are to build the homes in all the interior section of the country.

So as we look upon the United States to-day we look not upon States, but we look upon great sections, and the representatives in the Senate represent not States, but they do represent sections.

Mr. President, the mind of every man is necessarily colored and influenced by his surroundings. If his surroundings are those of an agricultural character, he is better able to represent the agriculturists of the United States. If his domicile is in a manufacturing section, his mind is colored with the manufacturing ideas; and that is the very basis of our representation. I find to-day that in all matters of local import only the Senators from the States of Maine and New Hampshire and Rhode Island and Vermont and Connecticut and Massachusetts practically vote as a unit. I find to-day that the Senators from Minnesota and Iowa and Wisconsin and Illinois also find like lines of thought in legislative action. I find that I am never out of harmony with the States of South Dakota and Nebraska and Kansas on everything that pertains to agricultural interests. I find that the mining sections practically agree on all questions that affect their industry.

Mr. BEVERIDGE. Will the Senator permit me?

Mr. McCUMBER. And in the lumber section it is exactly the same way.

The PRESIDING OFFICER (Mr. HEYBURN in the chair). Does the Senator from North Dakota yield to the Senator from Indiana?

Mr. McCUMBER. Certainly.

Mr. BEVERIDGE. Does not the Senator find that the Senators from Indiana, Illinois, Ohio, and other sections away from his section are also in line with the Senator on all questions affecting agricultural interests? Is there any Senator in this Chamber from any section who is out of line on all measures that affect agricultural interests?

Mr. McCUMBER. I thought I made myself perfectly clear when I said that no man lives whose mind is not colored and molded and influenced more or less by his surroundings; that he is better able and capable of representing the iron industries

of the United States if he comes from the sections where the iron industries are the predominant industries—

Mr. BEVERIDGE. Will the Senator permit me?

Mr. McCUMBER. That that man is better able to represent the agricultural interests of the country who comes from an agricultural section, simply because he knows of their needs; they are constantly before him, and constitute an incentive to him to exert himself for those interests.

Mr. BEVERIDGE. Now, will the Senator—

Mr. McCUMBER. And the same incentive does not affect the Senator who comes from a different portion of the country or is surrounded by different environments.

Mr. BEVERIDGE. Now, will the Senator permit me?

Mr. McCUMBER. Certainly; with a great deal of pleasure.

Mr. BEVERIDGE. The Senator states that he comes from an agricultural region. Is he therefore against that region of the country which produces our coal and our iron?

Mr. McCUMBER. Mr. President, that begs the question.

Mr. BEVERIDGE. Is the Senator—

Mr. McCUMBER. I am not against that section, but I am less capable of representing those sections than the Senators who come from them.

Mr. BEVERIDGE. I will ask the Senator if there was a vote in the Senate against irrigation?

Mr. McCUMBER. Suppose that there was not, what then?

Mr. BEVERIDGE. Will the Senator permit me to answer that question?

Mr. McCUMBER. I certainly want to give the Senator all the time that he wants to ask questions and to make suggestions. It shows simply this, and nothing more, that this subject has been constantly before Congress for many years, and that finally the whole country has been educated up to it. It did not come in a day; and the influence which generated it did not come from the manufacturing sections of the Union.

Mr. BEVERIDGE. No, but—

Mr. McCUMBER. It came from those people who live in the arid section, and it took them a quarter of a century to educate Congress up to the idea of granting the relief.

Mr. BEVERIDGE. Now, will the Senator permit me?

Mr. McCUMBER. With pleasure.

Mr. BEVERIDGE. Does not the fact that the Senator finds the Senators from Illinois, Ohio, Indiana, and elsewhere all standing in line with him upon everything that benefits the agricultural interests, and that the Senators from Pennsylvania and elsewhere find the Senator standing bravely by them in everything that affects the coal and iron interests of the country, and that the Senators upon our great seaboard find the Senators from the heart of the Republic standing by them on everything that affects their interests prove that this is a nation of people and not an aggregation of sections?

Is not that what it shows—that we are all brothers, all Americans, and not merely the inhabitants of isolated sections bound together by compact? Is not that the view to take? Did not the war settle it?

Mr. McCUMBER. That sentiment is beautiful, Mr. President—

Mr. BEVERIDGE. And is it not true?

Mr. McCUMBER. But we have not all got that infinite knowledge of everything in the United States which qualifies every man to pass intelligently upon every subject and every industry that comes before the Senate. I myself defer, I confess, to the judgment of the people of Pennsylvania and of West Virginia in the matter of the character of protection that they should have for their iron industries. I defer to their better judgment, because by reason of their environment and their education they are better enabled to pass upon it than I am myself.

Mr. BEVERIDGE. Now, will the Senator—

Mr. McCUMBER. The Senator can not convert or construe these sentences into any other meaning. Every man in the Senate, so far as is in his power, attempts to represent the entire people, irrespective of section.

Mr. BEVERIDGE. Of the whole nation.

Mr. McCUMBER. Of the whole of the sections.

Mr. BEVERIDGE. Certainly. I knew the Senator in his heart felt that and would utter it before the debate is over.

Mr. McCUMBER. And it ought to be known that the Senator has not expressed anything else.

Mr. BEVERIDGE. I am very, very glad to hear this final interpretation, which illuminates and, I will say, beautifies everything so finely uttered by the Senator.

I was sure the Senator after all was not maintaining that the interests of any section of this country could be hostile and antagonistic to the interests of any other section of the country,

but that the West, and the Southwest, and the Southeast, and the Northeast, and every other section would have the same treatment from Indiana that they would gladly accord to Indiana; that North Dakota would give the same consideration to New York that it would give to itself, and the reverse. In other words, we are a people, a nation, and not merely a group of communities.

I will ask the Senator the further question, and then I think I will not interrupt him any more, whether or not he thinks there should be representation in the Senate upon the basis of sections, without any regard to the basis of population? Does he think that should be done?

Mr. McCUMBER. Mr. President, it makes very little difference what I think; it is so. That is the basis of representation to-day. It is not according to population; it is not necessarily according to the value of the industries. The representation is congested very much in certain sections of the country according to the area, and even according to the population as compared with other sections of the United States. But, as I have tried to make clear, after all, a Representative necessarily and properly is interested first in those things which he sees about him and upon all questions of local interest, as I have said again and again, so that the Senator could not interpret it to be national interest. On all matters of local interest we find that the Senators and Representatives in certain sections of the United States invariably vote and stand as a unit.

Mr. BEVERIDGE. The Senator says his thought has nothing to do with the case, with which I do not agree. I pay the Senator the compliment of saying that his thought has much to do with it. But I ask him if the element of population has anything to do with representation here?

Mr. McCUMBER. Yes; and if the Senator—

Mr. BEVERIDGE. Then if the element of population enters into it at all, the question of how much population is the next question for Congress to decide. Is not that true?

Mr. McCUMBER. If the Senator will follow himself a little further on he will see where he will land in his argument. What makes population? Industries. Therefore, when you represent population you represent the thing that makes the population.

When you represent people you represent the thing whereon the people live. Otherwise there certainly could be no population. And after all, in representing population we are representing the industries, and the industries are located in sections over the United States.

Mr. BEVERIDGE. Now, Mr. President, the Senator asks me a question. He asks me what makes population, and I make an answer to which he will agree readily, that the first things that make population are the elements to sustain the population—to wit, soil, water, climate, and all those things that will sustain human life. Is not that true?

Mr. McCUMBER. Is not that just about what I said?

Mr. BEVERIDGE. If so, I am glad that it is.

Mr. McCUMBER. I do not know that it is necessary for the Senator to repeat it.

Mr. BEVERIDGE. I am charmed to learn that that is what the Senator thinks. He said a moment ago that we are represented by sections. Now he says by sections of land; now he says we are represented by sections of industries. Oh, no. The Senator is mistaken. The time was when it was believed that the tariff benefited New England. We now know that the tariff affects beneficially more than any other portion of this country the great and growing South. Once it was thought that the tariff affected beneficially only our Atlantic seaboard States, but now we find that the mighty West is beginning to have its share in the beneficent effects of protection. Industries are alike over the country. We are one great industrial brotherhood. That is the difference between the theory on this side of the Chamber and the other.

Mr. McCUMBER. I do not think the Senator finds that there is very much difference after all between us in sentiment or in the matter of representation. When the Senator gets right down to it he believes, and is forced to believe, just the same as I do—that for all practical purposes the influence that makes itself felt in Congress and every other legislative body is the influence of industries, and how to protect and further the interest of those industries. That is not saying that there is any one class that desires or would attempt to injure another, or would claim that protection to one industry would be detrimental to the interests of another; but, nevertheless, our representation here is a representation of the industries and business of the country, and that on which the people subsist. So, when we get back on the very foundation of representation we get back again to industries and the population that is based upon those industries.

Now, that being the case, what should be the representation if we were to make a logical one? Right here let me say that I am not attempting for a moment to suggest that it is possible under our Constitution at the present time to have an absolutely logical representation. The time has passed for that. But if there are inequalities, if there is any injustice, we ought not to aggravate them by creating conditions which would make it worse, but, on the other hand, we ought to make it better, if possible.

What I mean to say is this: If one-half of the people of the United States were engaged in the iron industry, then one-half of the representation in the United States should be logically from that section. If one-half of the people of the United States were engaged in agriculture and if they were separated practically from the manufacturing States, then one-half of the representatives logically should be those whose lives have been spent in the fields and among agriculturists and who better than anyone else will understand their needs and what is beneficial to them.

Mr. BEVERIDGE. Will the Senator permit me?

Mr. McCUMBER. I was giving this simply not as something that we can aim at and reach, but simply what would be practically a logical representation.

Mr. BEVERIDGE. Will the Senator permit me?

Mr. McCUMBER. With pleasure, always.

Mr. BEVERIDGE. I listened attentively and I understood the Senator to say (and he can correct me if I did not hear him aright) that if one-half of the people of the United States were engaged in the iron industry then one-half of the representation here should be from those people; that if one-half were engaged in agriculture then the other half of the representation here should be from that people. Is that correct?

Mr. McCUMBER. The whole of it—

Mr. BEVERIDGE. That is what I understood the Senator to say.

Mr. McCUMBER. Substantially the Senator understands it.

Mr. BEVERIDGE. If that is true, there is absolutely no difference of opinion between the Senator and those of us who hold the view that representation is based on population and not on sections. I, too, agree with the Senator that one-half of the representation should come from the place which contains half of the people. That is all that I contend for.

Mr. McCUMBER. There has not been any difference between us at all.

Mr. BEVERIDGE. I am delighted to learn that. I am coming to that opinion.

Mr. McCUMBER. The Senator will find out that he only thinks there has been a difference.

Mr. BEVERIDGE. There would be no more pleasing development, I will tell the Senator.

Mr. McCUMBER. The only difference will be on the conclusions to be derived from it, and not from the basic principles.

Mr. BEVERIDGE. I have entertained high hopes for the Senator—

Mr. McCUMBER. We are practically, Mr. President, on the same ground. Does the Senator wish to finish his sentence?

Mr. BEVERIDGE. I say that I have entertained high hopes for the Senator, and am now looking forward with agreeable anticipation to his registering his vote in accordance with the views he has just expressed and in favor of the bill of the committee.

Mr. McCUMBER. I am, Mr. President, just exactly against the bill of the committee, because that bill does not express in any manner either the views or the sentiments that I have expressed.

To-day looking at that map you will find east of the Mississippi River twenty-six States, having a representation of fifty-two Members in this body. That leaves, if all the remainder of the Territories were converted into States, but twenty-three. There would be then but forty-nine States. Will any Senator who knows anything about the progress of this country in the last fifty years deny the assertion that in another fifty years there will be a greater population west of the Mississippi River in the United States than there will be at that time east of that river?

Mr. BEVERIDGE. May I ask the Senator another question?

Mr. McCUMBER. You have your great agricultural sections of Indiana, Kentucky, Ohio, and other States. You are appealing to-day that the Government take the Appalachian chain of mountains and that we convert them into a great forest, that you may conserve the water which has already washed off the soil from many of the richer valleys of the States where the water overflows in the spring.

In some of the older States it costs as much almost to raise a

crop to-day as the crop is worth. The soil is becoming exhausted; the ability to sustain an agricultural population is being diminished. The ability to sustain an agricultural people is being greatly enhanced and added to in the western part of the country. There are mighty coal mines that have never been developed even to a hundredth part of 1 per cent in Arizona and New Mexico. There are mighty fields of forests that are yet to be converted into lumber in the western sections of the country. A Senator informed me the other day that his own company in Washington had enough timber land now to last them a century, running their mills at full power night and day. It will be growing up. It will take population to convert that into lumber in the future. The possibilities of irrigation even are beyond computation, Mr. President.

Mr. BEVERIDGE. I will ask the Senator if the region of which he just spoke as being in the company of a certain Senator was not in that region of the country which is well watered—great rivers, large rainfalls—and which does not answer at all in any particular to the description of the country in Arizona and New Mexico? Is not that true?

Mr. McCUMBER. I did not suppose that any Senator would question for a moment that we would have vast forests of timber without rainfall, and a sufficient amount of it. I supposed, Mr. President, that we did not have to inform anybody of that fundamental principle.

Mr. BEVERIDGE. If the Senator—

Mr. McCUMBER. I am arguing now upon another proposition. If the Senator will follow me he will find that we have practically exhausted the other subject of which we were talking at that time; at least I have entered upon another subject, and that is to show that the population west of the Mississippi River in half a century will be equal to or greater than that of the population east of that section. I do not care from what sources it comes, the Senator must admit that it will be there. If there are large sections that will assist in making this population by reason of the great timber lands, with a sufficient amount of rainfall, I am not denying it. There was a time, Mr. President, but a few years ago, when I went to the Territory of Dakota, when it was asserted that the lands west of the Red River Valley could not be used—

Mr. BEVERIDGE. Is it agreeable to the Senator for me to ask him a question?

Mr. McCUMBER. That there was not sufficient rainfall, that it was too arid, and the soil was not of that character from which we could raise crops. Since that time 300,000 people have settled in that land west of the Red River Valley, and the finest crops of any place in the United States have been raised there for the last five years.

I have stated that under new systems of agriculture we are increasing, and rapidly increasing, the territory supposed at one time to be such that no crops could be raised upon it, but which to-day is furnishing crops and supporting many thousand homes.

Mr. BEVERIDGE. Does it disturb the Senator to ask questions?

Mr. McCUMBER. Not at all; it never does.

Mr. BEVERIDGE. My question is in perfect good faith.

Mr. McCUMBER. No one would doubt that.

Mr. BEVERIDGE. And for illustration of the argument, I want to say to the Senator, with reference to my last question, which I think the Senator will agree himself he did not answer, that he was citing the fact of the great timber lands which would sustain population as justifying the expectation that there would be great population in New Mexico and Arizona because they have timber—

Mr. McCUMBER. No; I did not.

Mr. BEVERIDGE. And now, as a matter of fact, the Senator referred, I think to the State of Washington, which it is well known is one of the best-watered States of the Union. The whole point to this controversy, as far as population is concerned, is that where there is water and where there is rainfall they have those elements which will sustain population, but where there is no water you can not sustain population.

Therefore there was no analogy between the illustration cited by the Senator and the subject under discussion. Now, the Senator has swept off from the other branch of the argument since I rose to try to ask him a question, which I will ask his permission to ask him now. Supposing, to take the Senator's illustration, that there was a line dividing the United States in half running up and down the map there, and that on one side of that line was four-fifths of the population and on the other side one-fifth, would the Senator maintain that the side on which there was one-fifth should have as many Senators on this floor as the side on which there was four-fifths?

Mr. McCUMBER. Mr. President, the question answers itself.

Mr. BEVERIDGE. I think it does.

Mr. McCUMBER. I supposed that my argument had answered it also, that industries should be represented, and an industry is important only as to the number of people it will support. What I wish also to maintain is that if we find one-third of the territory of the United States east of a certain line, and we find two-thirds of it west of a certain line, and in fifty years the two-thirds west of that line would have a population equal to that east of the line, it should have a representation equal to that.

Mr. BEVERIDGE. Then should not we wait until the fifty years have demonstrated that fact?

Mr. McCUMBER. We should then possibly have waited and waited all of these years before we would have admitted a single new State. We took the State of Indiana on trust, with 30,000 people, and it has fulfilled that trust.

Mr. BEVERIDGE. Mr. President—

Mr. McCUMBER. We took the States of Minnesota, Wisconsin, Illinois, and every other Western State exactly the same way; and I have yet to see a State where it can be said to-day that it has not fulfilled the confidence that was reposed in it.

Mr. BEVERIDGE. Mr. President—

Mr. McCUMBER. I know they cite one case, that of Nevada. Nevada did not ask to come in; she was forced to come in; and I believe Nevada will become a great State and a good State in less than a century.

Mr. BEVERIDGE. Will the Senator permit me to interrupt him?

Mr. McCUMBER. With pleasure.

Mr. BEVERIDGE. The Senator has done me the honor to refer to my State, saying that State was taken into the Union on trust. That is true; it was taken on trust; but the State gave collateral—collaterals which this nation always requires; collaterals placed in its hands by nature; collaterals of running streams bank full, of rainfall and of soil, and all the elements that have made Indiana blossom in wealth and beauty; collaterals that absolutely made it certain that a great population would go there to live and strengthen the Republic. That is the reason it has redeemed its trust. The nation trusted to its future, but the nation knew that Indiana possessed all the natural qualities that made its future sure.

The Senator suggested the case of Nevada as a contrary illustration, and a better could not be given, because in the case of Nevada those collaterals did not exist; and when the nation took Nevada on trust Nevada did not redeem it in the population which it promised at that time.

The Senator is in error in saying that Nevada was forced into the Union and did not ask to come into the Union. Nevada asked to come in, and in presenting petitions for its admission speeches were made upon this floor for the admission of Nevada which, if we would now strike out the name of "Nevada" and insert the name of "Arizona" or that of "New Mexico," would be excellent reproductions of speeches made on this floor in favor of the admission of the latter. When the people of Nevada asked to come into this Union they claimed that the Territory was increasing in population beyond any other Territory.

Mr. McCUMBER. Has the Senator answered the question?

Mr. BEVERIDGE. Yes; I think I am answering it by pointing out the facts I have. Does not the Senator think so, too?

Mr. McCUMBER. The Senator may take any length of time he wishes.

Mr. BEVERIDGE. I do not want to take the Senator's time, but this of course is a running debate, and I thought the Senator would yield.

Mr. McCUMBER. Certainly; I am pleased to do so, but the Senator asks a question and then proceeds to answer it.

Mr. BEVERIDGE. No; but the Senator adverted, as an illustration, to a State like Indiana or a State like Illinois, and I had a right to answer the Senator. The Senator said that Indiana was taken into the Union on trust, and I agreed, but pointed out that when Indiana was taken on trust she had collaterals—collaterals which nature had placed in our hands; and they were the things with which we had redeemed the trust. As to the State of Nevada, I was pointing out wherein the Senator was in error and unhappy in that illustration.

Mr. McCUMBER. In the case of Indiana there were claims made by many people that it would never make a good State.

Mr. BEVERIDGE. Who claimed that?

Mr. McCUMBER. That there were swamps there, that fever and ague prevailed there, and that that was all it was good for. The people who made that assertion did not know the State of Indiana, and they who make the assertion that the Territory of Arizona and the Territory of New Mexico will never make good

States do not know those Territories. The Senators who assert that the Territory of Oklahoma will not make as good a State to-day as the State of Vermont or the State of New Hampshire certainly do not even know the condition of that Territory to-day.

I am not speaking disparagingly of the States of the East. I think they are good States, great States, capable of conducting and carrying on everything that is necessary to make a happy and prosperous people within their borders; and that is the prime reason for the admission of a State.

Now, if we want to get at the collaterals of some of these Territories, let us take Oklahoma. She has a rainfall; she has agricultural products, and she is just as good in that respect as the State of Indiana. She is much better in that respect than the State of Indiana. She has a population nearly ten times greater than that of Indiana when she was admitted into the Union. What is there to prevent that single Territory from being admitted into the Union as a State and conducting its business separately as a State? Is it not large enough? It is as large as the State of Indiana. Is it not populous enough? It is more populous than most of the New England States to-day; and they have sufficient population to conduct great States. What reason, then, can there be urged against the admission of that single Territory as one State? Not one, Mr. President, except a desire on the part of some that we have no more States than it is necessary to have.

Mr. BEVERIDGE. Does the Senator want an answer to that now?

Mr. McCUMBER. Take the increase of population east of the Mississippi River in the last decade, and we find it has been about 17 per cent, has it not? Take that west of the Mississippi River in the same time, and we find in the last decade it has been from 50 to 70 per cent, has it not? I may be mistaken in the exact figures, but it is nearly that. Follow that increase, if you will, for forty years, and you will find that the territory west of the Mississippi River will have a greater population than the States east of that river in that time.

There is another reason. The agricultural sections of the East are worn out, while the agricultural sections of the West have scarcely yet been developed. So the prospect for a still greater population is constantly and continuously increasing in favor of the western section.

If that be true, then take the next Territory, the Indian Territory. Look at the map, if you please. Is there a single State in the Union that has an equal number of rivers and streams and an equal amount of rainfall? These will help to make a great State. Is there a single State that has greater resources than the Indian Territory has to-day? It, too, is as large as the State of Indiana; and in time it will make as good a State as the State of Indiana. They have certain mineral productions which that State has not. They have many things in the way of climate and in production that will tend to make a far greater State than the one which I have mentioned.

I referred a moment ago to the matter of irrigation for the purpose of sugar raising. Let us look at that for a single moment. It is not necessary that we utilize one-half or one-fifth or one-tenth of the Territory of Arizona or that of New Mexico in order to make them great agricultural States. Let us take, for instance, the beet-sugar industry. I believe that sugar beets raised in Colorado, in New Mexico, in Arizona, are better than those raised in other places in the United States, running as high as from 25 to 30 per cent of saccharine matter, while those raised in Germany average only about 14 per cent. The land is worth in Germany several hundred dollars per acre when used for the purpose of raising beets to make sugar to be imported into the United States. What, then, would be the value of land in our own country that can be utilized for this purpose by watering it, when there will be no tax to be paid upon the sugar, but when it has a free market here at home and there is no expense for exportation?

Mr. ANKENY. Mr. President, I should like to correct something which has been said and some misapprehensions which seem to be entertained here.

The Senator, in speaking of collaterals of the West, referred to the "arid zone," as the term is, as being poor collateral, or something to that effect. I want to set that right, and in order to do so I wish to read the official figures of the Committee on Indian Affairs in regard to the State of Washington:

The State of Washington is developing very rapidly. Its population in 1880 was about 75,000; in 1890, 359,000, and in 1900 over 500,000. According to a careful estimate made by the State bureau of statistics the population of the State now is over 750,000.

As a matter of fact, the population now is 825,000. Our principal industry is the raising of wheat. There never has

been a drop of water on the land that produced that wheat, except what fell from the heavens, so far as I know. That is only one item. As to the item of wheat, there were raised 40,000,000 bushels, which dropped \$40,000,000 into the pockets of the people of our State. Is not that collateral worth something?

Mr. BEVERIDGE. Yes, indeed.

Mr. McCUMBER. In 1903 we imported sugar to the amount of 4,216,106,000 pounds. We produced at home 687,209,770 pounds. We therefore produced but 22 per cent of the sugar consumed in the United States. Mr. President, there is no reason in the world why we should not produce every pound of sugar that is consumed in this country. The world's product of sugar last year was 22,153,108,160 pounds.

It will be seen, therefore, that this country consumes more than one-fifth of the entire product of the world. Our consumption per capita is rapidly increasing. A world of wealth, Mr. President, is capable of being opened up in this country in that single industry; and when the irrigation schemes which have been spoken of have been carried to a successful completion, this arid country of New Mexico and Arizona alone will be able to furnish every pound of sugar that will be necessary to be consumed in the United States.

Mr. President, I have a few statistics here from Arizona and New Mexico. They may not agree entirely with those which were given by the Senator from Minnesota [Mr. NELSON], but most of them are carried up to a later date. I want to show very briefly the increase in these industries, and show that they not only measure up with, but that they are far beyond, the average increase of the industries in any other section of the United States.

The Land of Sunshine, published by the bureau of immigration of the Territory of New Mexico in 1904, contains very interesting articles showing the advance in population and otherwise. From this it appears that in 1900 the population was 195,310; in 1904 it is estimated from registration and school census returns to be 284,000, in round numbers. In 1890 there were but 4,458 farms; in 1900 there were 11,834—more than double. Can Minnesota show a record of that kind?

In 1890 there were acres in farms, 787,000; ten years later there were 5,130,000 acres. There is not a State east of the Mississippi River, or in any other section of the Union outside of these two, that will show a greater advancement than has been made in these two Territories.

The value of live stock in 1890 was about \$25,000,000—I am giving round numbers—in 1900 it was \$31,000,000. The value of farm products in 1890 was about \$2,000,000; in 1900 it was \$10,000,000. The acres under cultivation in 1890 were 91,000, and in 1900 they were 203,000.

The mineral products from 1860 to 1900 were as follows: The gold produced amounted to about \$17,000,000. This is in New Mexico. In 1903 the gold, silver, copper, and lead produced amounted to \$1,489,000.

Now, about coal, which has never even been discussed, so far as I have heard in reference to the ability of that portion of the country to support a great population. The area of prospected coal lands last year was 1,493,000 acres; the amount of coal in sight 8,000,000,000 tons, valued at \$10,000,000,000. The coal produced from 1900 to 1903 was 3,700,000 tons; the coal mines in operation in 1903 were 28; the men employed in the coal mines in 1901 numbered 1,870, and in 1903, just two years after, 2,341, or nearly double.

Let us take the railroads. Railroads will not be built in any State unless there is some industry whose product they can carry. Now, let us see what the railroads have done in New Mexico. The miles of railroad in 1900, five years ago, in New Mexico amounted to 1,981; in 1903 to 2,520—an increase in two years of 539 miles. Those roads have been built for some purpose.

The value of taxable property in 1900 was \$36,000,000; three years later, in 1903, it was \$41,000,000. Is there a single State that advanced more rapidly than did this Territory in valuation?

Mr. President, I wish to quote a little further from this report, or rather to consider some of it. In 1893 the cattle in the Territory of New Mexico were estimated at 1,123,000; sheep, 5,674,000; goats, 250,000, and horses, 97,900. That is a better showing than is made in most of the States of the Union.

There were shipped out of the Territory during the fiscal year 1903, 184,600 cattle, 422,250 sheep, and 5,500 horses, which is a far better showing than in most of the agricultural States in the United States.

Indebtedness is another item, and it speaks, Mr. President, of the ability of the people of New Mexico to govern themselves. In 1901 the indebtedness of New Mexico was \$1,180,800; in

1903 it was \$1,098,000, a decrease in two years of \$82,000. I would ask what great State in the Union to-day in these times could make a better showing than has been made by this little Territory, while at the same time it has provided a sinking fund of \$234,590?

Let us take their schools. It is stated that the people of this Territory are an illiterate people, and we will presume that that is so; but if schools mean anything, Mr. President, illiteracy is a thing of the past and not of the future for which we legislate. In 1901 the school population of New Mexico was 53,000. Just two years later, in 1903, it was 68,000, showing an enormous increase. In 1900 the school enrollment was 21,000 and in 1903, three years afterwards, 37,000. The schools in 1901 numbered 599, in 1903 they numbered 665.

In regard to the value of their public buildings, and as showing the public buildings that have been erected by this Territory, I find in the report of the governor of New Mexico for 1901 the following:

Capitol, \$400,000; penitentiary, \$500,000; College of Agriculture and Mechanic Arts, \$98,000; Asylum for Insane, \$79,000; School of Mines, \$65,000; university, \$6,500; Normal University, \$58,570; Military Institute, \$53,460; Normal Training School, \$28,000, and Asylum for Deaf and Dumb, \$6,000.

How many of the so-called great States, Mr. President, to-day can make a better showing than this arid little Territory, that is said by members of the committee to be absolutely worthless and unable to sustain a population that can conduct a respectable State?

I take the following notes, Mr. President, from the report of the governor of Arizona. The population of Arizona in 1890 was 88,243; in 1900 it was 122,931. This large increase, of course, was partly due to the enumeration of the Indians, who were omitted in 1890.

Yet it shows an increase of 104 per cent during that year. The total taxable property as given by this report was, in 1901, \$38,853,831, an increase over 1900 of \$5,071,365.

Now, about the forests of this arid country. The report of the governor of Arizona for 1900 records that it has the largest unbroken pine forests in the United States, covering an area of 6,000 square miles, the total timber fit for sawing being estimated at 10,000,000,000 feet. It took some water to raise those forests. The water that raised those forests in the mountains is capable of being diverted onto the plains, not only for the purpose of irrigation but also for the purpose of watering cattle.

The Territory has two normal schools and a thoroughly equipped university. The population of school age is given by the last census at 38,863.

The number of farms in the Territory was 5,809, of which 4,210 are irrigated, and the average size of the farms is 648 acres.

The number of schools in 1890 was 219; in 1900, 398, or almost double in ten years. The average attendance in 1890 was 4,702, in 1900, 10,177, or more than double in ten years. The value of school property in 1890 was \$268,435; in 1900, \$529,024, or about double. So that not only in population, but also in all of her great industries, there has been practically an increase of over 100 per cent in the last decade.

From the census report of 1900 we find that within ten years, from 1890 to 1900, 545 miles of irrigating canals and ditches were constructed, at a cost of \$1,508,649. The total increase in the irrigated lands in the ten years was 119,575 acres, and the number of irrigators increased from 1,075 to 2,981 in the same period.

Before closing I simply wish to call attention again to the amendment which I introduced the other day. It simply provides for striking out everything in this bill except that which pertains to the Territory of Oklahoma. It also strikes out the five-million appropriation that Congress is to make for that purpose, and, in addition to this, provides for three Representatives for that new State.

The object is simply to secure a vote upon that one question, whether in the opinion of the Senate of the United States Oklahoma ought to come in as a separate State in the Union. There seems to be a question in the minds of those who favor the bill which is presented to the Senate as to whether Indian Territory is capable to-day of becoming a State. I notice, for instance, that the bill locates and fixes the capital for ten years. That can only be done upon the assumption that it will be at least ten years after the State is admitted before it will be competent to determine where it ought to locate its own capital.

Mr. BEVERIDGE. Only five years.

Mr. McCUMBER. Say five years.

Mr. BEVERIDGE. Just 50 per cent wrong.

Mr. McCUMBER. The same bill provides prohibition for one of these Territories for at least ten years, and I do not know but that there has been an amendment increasing it to

twenty years. That presupposes that the people in the Indian Territory are not capable to-day of conducting their own internal affairs, and therefore we have to hold a certain string upon them and to guide them in their local concerns.

While I must say that so far as the Indians are concerned I would do everything I could to guard them against the curse of the rum traffic, not only while in a Territorial condition, but also when in an admitted State, notwithstanding this, it does seem to me to be a little incongruous and out of harmony with our whole scheme of government for us to dictate to a new State how it shall conduct its local affairs and also to determine the law of property and the rights of property for a portion of its citizens which are entirely different from the laws that affect the property and the rights of property of other citizens.

Mr. BEVERIDGE. Will the Senator from North Dakota permit me?

Mr. McCUMBER. With pleasure.

Mr. BEVERIDGE. In case the bill which came from the House and has been reported favorably by the committee and amended by the committee is voted on, will the Senator vote against the amendment providing for prohibition within the Indian Territory and Indian reservations for ten years?

Mr. McCUMBER. Mr. President—

Mr. BEVERIDGE. Is he against that?

Mr. McCUMBER. I think I just mentioned to the Senator my position on that. I do not know why he should conduct this categorical examination in order to have me repeat my position.

Mr. BEVERIDGE. I understood the Senator to state two contrary positions, or I would not have asked the question. First, I understood the Senator to say that this amendment shows that the people of the Indian Territory are not capable of governing themselves.

Mr. McCUMBER. I did not make that statement.

Mr. BEVERIDGE. I may have been unfortunate in understanding what the Senator said, but I understood him to say that the fact of our providing for prohibition within the Indian Territory for a period of ten years, and until the legislature shall otherwise provide, would seem to indicate that we did not think the people there were capable of managing their own affairs.

Then I understood the Senator to say afterwards that it is true he would be willing, to use his own language, by any means to preserve the Indians from the curse of the rum traffic, either in a Territory or in a State. It seems to me that those two statements are antagonistic, and I was asking the Senator, therefore, so that I might have it clear in my own mind, whether he would now state that he will be against that prohibition amendment when it comes to voting.

Mr. McCUMBER. I will consider that when I come to it. It is a serious question whether or not we ought to admit a State with any provision which denies that State the right to conduct its own local affairs.

I am doubtful whether at this time, possibly, the Indian Territory should be admitted with the other Territory, and especially am I doubtful of the propriety of locating the capital and of making a separate law of inheritance for some of the people different from that of the other citizens of the same State. It raises some very serious questions, and I simply speak of it as being out of harmony with what has been done in the past.

But here is another feature. We present to this new State at the time she comes in as a State \$5,000,000 to conduct her schools. I am doubtful, Mr. President, of any constitutional authority for that gift.

I admit that the United States has control over the Territories and over lands in any Territory, that it may give to those Territories its lands; but I certainly doubt the constitutional right of Congress to provide that we will give \$5,000,000 to the State of New Jersey to conduct her schools, or \$5,000,000 to the State of Colorado or to the new State of Oklahoma.

Mr. BEVERIDGE. Will the Senator permit me?

Mr. McCUMBER. With pleasure.

Mr. BEVERIDGE. Does the Senator agree that the United States may make a donation of lands of the United States to a new State for school purposes?

Mr. McCUMBER. It has been done.

Mr. BEVERIDGE. Has it not always been done? And if that may be done, why may not money as well as land be given?

Mr. McCUMBER. There is a possibility that many things may be done, but I question the propriety as well as the constitutional right to donate money to a State, after it becomes a State, and tax the people of the United States to conduct the schools of that particular State. If we can do it in one instance, we can do it in another, and we can make the same gift to every State in the Union, and it seems to me that that is entirely outside the intentment of the Constitution.

Mr. BEVERIDGE. On the question of the propriety, the Sen-

ator knows, of course, that that is the only instance where it could ever occur. But the Senator will agree that, even from his point of view, the Indian Territory ought some day, by itself or in connection with another, to be a State. I say, he will admit that even from his point of view. Now, then, if it ought to be a State it must have a school fund, and it has no public lands to be donated for that purpose, like the other States, and therefore would the Senator say that we must establish a State without any school funds?

Mr. McCUMBER. When there was a division of New Hampshire and Vermont I did not understand there were any public lands there. We certainly did not present them with any at that time, nor did they ask for any, because they had no public lands to be granted.

Mr. DILLINGHAM. Will the Senator from North Dakota permit me?

Mr. McCUMBER. Certainly.

Mr. DILLINGHAM. I saw that a very grave mistake in history was stated in the speech of the Senator from Idaho [Mr. HEYBURN] the other day, and I am afraid that my friend from North Dakota may be falling into the same error.

Vermont and New Hampshire were not one State. Hence they never were divided. Vermont had a history of her own from 1776 to 1791. She was an independent republic during the Revolution, and an independent republic for eight years afterwards, having her own postmaster-general and mail service. The idea that she and New Hampshire were one State and afterwards divided is all wrong.

Mr. McCUMBER. I believe there was a little question of ownership with regard to what belonged to each State.

Mr. TELLER. Vermont belonged to New York.

Mr. McCUMBER. But the principle is this. We have admitted States into the Union without their being provided with a school fund.

Mr. BEVERIDGE. Is the Senator from North Dakota in favor of that policy—of admitting new States without school funds?

Mr. McCUMBER. I am in favor of admitting Oklahoma as a separate State, and I will cross those other bridges when I come to them, and not to-day.

I wish to call the attention of the Senator from Indiana to what is stated by Mr. Walcott as to the total amount of land under irrigation. I think this was two years ago. In New Mexico it was 254,945 acres, and, at the outside, possibly 300,000 acres more could be irrigated. In Arizona it was 247,252 acres which were then irrigated, and that at least 500,000 could be irrigated. That will give us more acres which can be irrigated than are to be found of agricultural land in many States to-day, I believe, and with the increased production by reason of irrigation it will support a greater population.

Mr. President, it seems to me there is but one question to which we always come back, and that is whether or not the Union will be injured in any way by four more States being carved out of this territory. There is not a Senator here who will not admit first that Oklahoma has sufficient population, sufficient resources, and good enough prospects to become a great State. There is not a Senator who will not admit that Indian Territory is situated exactly the same. Therefore there are two Territories that may be made good, proper States. There is not a Senator here who will not admit that New Mexico and Arizona in a single State would form altogether too large a State.

Mr. LODGE. The Senator is making a pretty broad statement.

Mr. McCUMBER. Yes; a pretty broad statement.

Mr. LODGE. I am one Senator who does not admit either of his two propositions.

Mr. McCUMBER. Then the Senator must admit that in his own New England, one of the fairest sections of the United States, there are four States that are too small and not proper to be States in the Union, because one statement must measure up to the other.

Mr. LODGE. Those were original States. They were not admitted into the Union.

Mr. BEVERIDGE. They made the Union.

Mr. McCUMBER. They may have been original States, but they are good States, and that is the assertion I made to-day.

Mr. GALLINGER. Vermont was not an original State.

Mr. McCUMBER. I understand Vermont was not an original State.

Mr. LODGE. Oh, no.

Mr. McCUMBER. Is it not a good State?

Mr. LODGE. Neither was Maine.

Mr. McCUMBER. Can it not conduct its State institutions properly?

Mr. LODGE. Certainly. I never denied that for a moment.

Mr. McCUMBER. Then it is not too small, and if it is not too small neither would these proposed States, which are much greater than it, be too small.

Mr. LODGE. But that was not the proposition of the Senator.

Mr. BEVERIDGE. At the time when Vermont and Maine were admitted, distance, measured by the length of time it took to travel, was far greater than it is to-day.

Forty years ago it took longer to go from one end of the State of Maine to the other than it now takes to go from the farthest extreme of the combined State of Arizona and New Mexico to the other. Yes, it took many times longer.

Mr. McCUMBER. It took longer to go from one end of Vermont to the other than it now takes to go from the Mississippi River to the Pacific Ocean. And for that reason would the Senator urge that we should have put all the balance into one State?

Mr. BEVERIDGE. I am simply showing the Senator that, measured by the facility of getting from point to point, the State of Vermont and the State of Maine were both larger when they were admitted than the combined State of Arizona and New Mexico would be now.

Mr. McCUMBER. That is not the principal thing to be taken into consideration in the matter of admitting new States. The question is first proper representation in the Senate and the House of Representatives.

Mr. BEVERIDGE. Quite so.

Mr. McCUMBER. The second proposition is the question of territory, and another is the question of the ability of the Territory to conduct a State government.

#### EXECUTIVE SESSION.

Mr. BEVERIDGE. The senior Senator from Vermont [Mr. PROCTOR] requested that at the conclusion of the address of the Senator from North Dakota we might have an executive session. I therefore move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session the doors were reopened, and (at 4 o'clock and 35 minutes p. m.) the Senate adjourned until to-morrow, Wednesday, January 25, 1905, at 12 o'clock meridian.

#### NOMINATIONS.

*Executive nominations received by the Senate January 24, 1905.*

##### REGISTER OF LAND OFFICE.

Albert H. Blair, of Wakeeney, Kans., now register of the land office at that place, to be register of the land office at Colby, Kans., to take effect February 15, 1905, when the Wakeeney office is discontinued, vice William E. Ward, resigned; to continue to June 30, 1906, when his present term would expire.

##### PROMOTIONS IN THE NAVY.

Commander Arthur P. Nazro to be a captain in the Navy, from the 28th day of December, 1904, vice Capt. Joseph E. Craig, promoted.

Medical Inspector George E. H. Harmon to be a medical director in the Navy, from the 15th day of December, 1904, vice Medical Director Hosea J. Babin, retired.

Medical Inspector Howard Wells to be a medical director in the Navy, from the 1st day of January, 1905, vice Medical Director Nelson M. Ferebee, retired.

Surg. Nelson H. Drake to be a medical inspector in the Navy, from the 1st day of January, 1905, vice Medical Inspector Howard Wells, promoted.

Surg. Middleton S. Guest to be a surgeon in the Navy, from the 20th day of January, 1903, vice P. A. Surg. John E. Page, who failed to qualify for promotion and was suspended for one year.

P. A. Surg. Charles M. DeValin to be a surgeon in the Navy, from the 31st day of January, 1903, vice Surg. Middleton S. Guest, promoted from the 20th day of January, 1903.

Asst. Surg. Jacob Stepp to be a passed assistant surgeon in the Navy, from the 7th day of June, 1904, upon the completion of three years' service.

Surg. Charles T. Hibbett to be medical inspector in the Navy, from the 15th day of December, 1904, vice Medical Inspector George E. H. Harmon, promoted.

Capt. Charles M. Thomas to be a rear-admiral in the Navy, from the 12th day of January, 1905, vice Rear-Admiral George W. Pigman, retired.

Lieut. (Junior Grade) Adolphus E. Watson to be a lieutenant in the Navy, from the 1st day of January, 1905, to fill a vacancy created by the act of March 3, 1903.

## PROMOTIONS IN THE MARINE CORPS.

Maj. Lincoln Karmany to be a lieutenant-colonel in the Marine Corps, from the 9th day of December, 1904, vice Lieut. Col. Paul St. C. Murphy, promoted.

Capt. Laurence H. Moses to be a major in the Marine Corps, from the 4th day of June, 1904, vice Maj. Harry K. White, promoted.

Capt. Wendell C. Neville to be a major in the Marine Corps, from the 9th day of December, 1904, vice Maj. Lincoln Karmany, promoted.

## CONFIRMATIONS.

*Executive nominations confirmed by the Senate January 24, 1905.*

## ATTORNEY-GENERAL OF PORTO RICO.

A. G. Stewart, of Iowa, to be attorney-general of Porto Rico.

## COLLECTOR OF CUSTOMS.

Charles B. Crosno, of Oregon, to be collector of customs for the District of Yaquina, in the State of Oregon.

## MARSHAL.

Thomas Cader Powell, of Oregon, to be United States marshal for the district of Alaska, division No. 2.

## DEPUTY AUDITOR FOR THE POST-OFFICE DEPARTMENT.

William J. Anderson, of North Dakota, to be Deputy Auditor for the Post-Office Department.

## POSTMASTERS.

## IOWA.

Levi M. Black to be postmaster at Ireton, in the county of Sioux and State of Iowa.

William Morgan to be postmaster at Buxton, in the county of Monroe and State of Iowa.

## OREGON.

Frank G. Jewett to be postmaster at Sumpter, in the county of Baker and State of Oregon.

## HOUSE OF REPRESENTATIVES.

*Tuesday, January 24, 1905.*

The House met at 12 o'clock noon.

Prayer by Rev. JOHN VAN SCHAIK, Jr., of Washington, D. C. The Journal of the proceedings of yesterday was read and approved.

## MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PARKINSON, its reading clerk, announced that the Senate had passed bill and joint resolution of the following titles; in which the concurrence of the House of Representatives was requested:

S. 559. An act for the relief of the legal representatives of George W. Soule; and

S. R. 94. Joint resolution to enable the Secretary of the Senate and Clerk of the House of Representatives to pay the necessary expenses of the inaugural ceremonies of the President of the United States, March 4, 1905.

The message also announced that the Senate had passed the following resolution; in which the concurrence of the House of Representatives was requested:

## Senate concurrent resolution 95.

*Resolved by the Senate (the House of Representatives concurring), That the President be requested to return to the Senate the bill (S. 5501) granting an increase of pension to Sarah A. Rowe.*

The message also announced that the Senate had passed with amendments bills of the following titles; in which the concurrence of the House of Representatives was requested:

H. R. 12898. An act to create a new division in the eastern judicial district of the State of Missouri; and

H. R. 17094. An act making appropriations for fortifications and other works of defense, for the armament thereof, for the procurement of heavy ordnance for trial and service, and for other purposes.

The message also announced that the Senate had agreed to the amendment of the House of Representatives to the bill (S. 5763) granting certain property to the county of Gloucester, N. J.

The message also announced that the Presiding Officer had appointed Mr. DUBOIS as a conferee in place of Mr. CULBERSON, excused, on the bill (H. R. 14623) to amend an act approved July 1, 1902, entitled "An act temporarily to provide for the administration of the affairs of civil government in the Philippine Islands, and for other purposes," and to amend an act approved March 8, 1902, entitled "An act temporarily to provide revenue for the Philippine Islands, and for other purposes," and to

amend an act approved March 2, 1903, entitled "An act to establish a standard of value and to provide for a coinage system in the Philippine Islands," and to provide for the more efficient administration of civil government in the Philippine Islands, and for other purposes.

## ENROLLED BILL SIGNED.

The SPEAKER announced his signature to enrolled bill of the following title:

S. 5763. An act granting certain property to the county of Gloucester, N. J.

## OMNIBUS CLAIMS BILL.

The SPEAKER announced as conferees on the part of the House on the bill H. R. 9548, the omnibus claims bill, Mr. MAHON, Mr. OTJEN, and Mr. SIMS.

## BRIDGE ACROSS RED RIVER AT SHREVEPORT, LA.

Mr. BREAZEALE. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 17333) to authorize the construction of a bridge across Red River at Shreveport, La.

The SPEAKER. The gentleman from Louisiana asks unanimous consent for the present consideration of a bill, the title of which will be reported by the Clerk.

The Clerk read the title of the bill.

The SPEAKER. Is there objection?

There was no objection.

The bill was read. It provides that the city of Shreveport, situated in the parish of Caddo, State of Louisiana, a municipal corporation duly incorporated and existing under and by virtue of the laws of the State of Louisiana, be, and is hereby, authorized to construct and maintain a traffic bridge and approaches thereto across the Red River, extending from such a point in the said city of Shreveport to such a point in the parish of Bossier as may be selected by said city of Shreveport and approved by the Secretary of War.

The bill was ordered to be engrossed and read a third time; and was accordingly read the third time, and passed.

On motion of Mr. BREAZEALE, a motion to reconsider the last vote was laid on the table.

## BRIDGE ACROSS CALUMET RIVER, ILLINOIS.

Mr. MANN. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 17749) authorizing the Kensington and Eastern Railroad Company to construct a bridge across the Calumet River.

The SPEAKER. The gentleman from Illinois asks unanimous consent for the present consideration of a bill, the title of which will be reported by the Clerk.

The Clerk read the title of the bill.

The SPEAKER. Is there objection?

There was no objection.

The bill was read. It provides that the Kensington and Eastern Railroad Company, a railroad company organized under the laws of the State of Illinois, its successors and assigns, are hereby authorized to construct, maintain, and operate a drawbridge across the Calumet River in the northeast quarter of the northwest quarter of section 36, township 37 north, range 14 east of the third principal meridian, in Cook County, Ill., at a point about 350 feet south of the north line of the said section, the said point being about eight-tenths of a mile upstream from the bridge of the New York, Chicago and St. Louis Railroad Company and about 2 miles below the bridge of the Pittsburg, Fort Wayne and Chicago Railway Company, located near Hegewisch, in the State of Illinois: *Provided*, That such site is suitable, in the judgment of the Secretary of War, to the interests of navigation.

The bill was ordered to be engrossed and read a third time; and was accordingly read the third time, and passed.

On motion of Mr. MANN, a motion to reconsider the last vote was laid on the table.

## GRANT OF LAND TO THE AGRICULTURAL AND MECHANICAL COLLEGE OF OKLAHOMA.

Mr. McCARTHY. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 17769) to grant certain lands to the Agricultural and Mechanical College of Oklahoma for college, farm, and experiment station purposes.

The Clerk read the bill, as follows:

*Be it enacted, etc.*, That all of section 16, of township 19 north, range 2 east of the Indian meridian in Oklahoma Territory, be, and the same is hereby, granted to the Agricultural and Mechanical College of said Territory for college, farm, and experiment station purposes.

Sec. 2. That the leases to the present tenants thereon, made by the board for leasing school lands of the Territory of Oklahoma, shall remain in full force and effect until their respective expirations, and that the chief justice of the supreme court of said Territory, the secretary of the board for leasing school lands, and one person to be selected by the tenants upon said lands shall, within sixty days prior to the expira-

tion of each such lease, fix the value of the improvements thereon belonging to each such leaseholder, and the board of regents of said college shall immediately pay the amount so fixed, and thereupon shall have immediate possession: *Provided*, That if said tenants shall fail to select a person to serve upon such board of arbitration sixty days prior to the expiration of any lease, the governor of the Territory shall serve as such member: *And provided also*, That nothing in this act shall be construed to abridge the lawful right of any tenant to remove all of his improvements prior to the expiration of his lease, if he shall elect to do so, instead of accepting the award of the arbitrators.

With the following committee amendments:

After the word "Territory," in line 4, insert "being a portion of the lands reserved to said Territory for the purposes of common schools;" and after the word "purposes," in line 7, insert "but no indemnity shall be allowed for this section."

Mr. MADDOX. Mr. Speaker, reserving the right to object, I would like to hear some explanation of this bill.

Mr. MCCARTHY. Mr. Speaker, this is a purely local measure. The purpose of it is to transfer certain sections of school lands belonging to the common school system in Oklahoma to the Agricultural College. It has been considered by the Public Lands Committee and unanimously agreed upon. It is recommended by the governor of the State, by the Secretary of Agriculture, by the Secretary of the Interior, and by the Commissioner-General of the Land Office. It is a purely local measure.

Mr. MADDOX. How much land is there?

Mr. MCCARTHY. Six hundred and forty acres. They have only 320 now, which they have already paid for out of their own private funds. Fifteen thousand dollars has been transferred to the support of a colored school. The land which they now occupy is not fairly representative of the soil of that country. This section is fairly representative, some of it being bottom land and adapted to the cultivation of alfalfa, corn, and cotton, and some of it is upland. It is worth in all about \$12,000.

Mr. MADDOX. I have no objection.

The SPEAKER. Is there objection to the present consideration of the bill? [After a pause.] The Chair hears none.

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was accordingly read the third time, and passed.

On motion of Mr. MCCARTHY, a motion to consider the last vote was laid on the table.

#### BRIDGE ACROSS MISSOURI RIVER NEAR OACOMA, S. DAK.

Mr. MARTIN. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (H. R. 17488) to extend the time for the commencement and completion of a bridge across the Missouri River at or near Oacoma, S. Dak.

The Clerk read the bill, as follows:

*Be it enacted, etc.*, That section 6 of the act approved January 8, 1903, authorizing the Federal Railroad Company to construct a combined railroad, wagon, and foot-passenger bridge across the Missouri River at or near the city of Oacoma, S. Dak., be, and is hereby, amended by extending the time for commencing the construction of said bridge to January 8, 1906, and by extending the time for completing said bridge to January 8, 1908.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. MARTIN, a motion to reconsider the last vote was laid on the table.

#### NORWALK, CONN., A SUBPORT OF ENTRY.

Mr. HILL of Connecticut. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 16790) making Norwalk, Conn., a subport of entry.

The Clerk read the bill, as follows:

*Be it enacted, etc.*, That Norwalk, in the State of Connecticut, be, and is hereby, constituted a subport of entry in the customs collection district of Fairfield, Conn.

Mr. MADDOX. Mr. Speaker, reserving the right to object, I would like to ask the gentleman to state the reasons for this.

Mr. HILL of Connecticut. I will say to the gentleman from Georgia that there is no expense attending this bill. It was introduced at the suggestion of the Treasury Department because they are building a large paper factory at Norwalk, and the raw material is all to be imported. There is no expense attached to it; there will be no collector appointed. The bill was prepared at the suggestion of the Treasury Department, and is accompanied by a letter stating that there is no objection to it.

Mr. MADDOX. It will not involve an expense of sixteen hundred dollars to collect \$1?

Mr. HILL of Connecticut. Oh, no; there is no cost to anybody.

The SPEAKER. Is there objection to the present consideration of the bill? [After a pause.] The Chair hears none.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. HILL of Connecticut, a motion to reconsider the last vote was laid on the table.

#### DISTRICT OF COLUMBIA APPROPRIATION BILL.

Mr. McCLEARY of Minnesota. Mr. Speaker, I move that the House now resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 18123, the District of Columbia appropriation bill.

The motion was agreed to; accordingly the House resolved itself into Committee of the Whole House on the state of the Union (with Mr. MANN in the chair).

The CHAIRMAN. The House is now in Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 18123, the District of Columbia appropriation bill, and the gentleman from Minnesota [Mr. DAVIS] has the floor.

Mr. DAVIS of Minnesota. Mr. Chairman, at the adjournment of the House yesterday I made an objection to lines 3, 4, and 5, on page 22 of this bill, for the reason that the same is new legislation. I still insist and urge that objection.

Mr. McCLEARY of Minnesota. Mr. Chairman, the RECORD shows that the reading of the bill had progressed beyond the paragraph referred to by my colleague, and had got down to line 15. The paragraph ending with that line had been discussed by the gentleman from Missouri [Mr. COWHERD]. Last evening I made a point against the point of order that my friend's point of order came too late. I still insist that that is the fact. I would not concede his point of order anyway, but it comes too late.

The CHAIRMAN. The Chair wishes to be perfectly fair with the gentleman from Minnesota [Mr. DAVIS], but it seems to the Chair that the point of order comes too late. The paragraph just completed is beyond the paragraph to which the gentleman desires to make the point of order.

Mr. DAVIS of Minnesota. Mr. Chairman, I do not question the decision of the Chair, but it was my understanding when that portion of the bill was being read, that from lines 3 to 15, all referring to one subject, was contained within a single paragraph, and I therefore waited until the reading of the bill had progressed down to and including line 15 and then arose to make the point of order. I was recognized by the Chair, but as the gentleman from Missouri [Mr. COWHERD] rose at the same time I yielded to him to make the point of order and he made it apparently upon what I considered only the latter portion of the paragraph. That was my understanding.

If it was too late it is a small matter—it is one of those de minimis matters that the gentleman from Minnesota [Mr. McCLEARY], my colleague, in charge of the bill, considers of no particular importance. However, regardless of the size, it was the principle that I was contending for in this particular matter—that is, the principle of excluding from an appropriation bill what is apparently and positively on its face new legislation, and which, no doubt, in my mind, could not be obtained through the proper channel, the District of Columbia.

The CHAIRMAN. The Chair will say to the gentleman from Minnesota [Mr. DAVIS], while it may be true that the gentleman was misled, and naturally misled, in reference to the paragraph, still the bill shows very distinctly on its face where each paragraph commences and where it ends, and in this case the bill on its face shows quite distinctly the paragraph to which the gentleman wishes to make the point of order to be a paragraph distinct by itself which ended before the beginning of the paragraph last read. The usage of the House is that a paragraph is considered as a paragraph and a point of order must be raised at the end of the reading of the paragraph. The Chair, therefore, is compelled to rule that the point of order comes too late. The Clerk will read.

The Clerk read as follows:

For completing the opening, grading, and macadamizing of Fourteenth street from its present terminus, at Lydecker avenue, to Piney Branch road, \$37,245.

Mr. DAVIS of Minnesota. Mr. Chairman, the record of last evening apparently shows that the gentleman from Wisconsin [Mr. BABCOCK], the chairman of the Committee on the District of Columbia, made an objection to this paragraph, to this appropriation, on the ground that the same was not authorized by any existing law and was new legislation.

The CHAIRMAN. Does the gentleman from Minnesota make the point of order upon the paragraph?

Mr. DAVIS of Minnesota. I desire to do so, Mr. Chairman, if the gentleman from Wisconsin [Mr. BABCOCK] did not make it. I did not hear him make it at the time, but the RECORD apparently shows that he did.

The CHAIRMAN. The paragraph had not been read at that time, the Chair will say.

Mr. DAVIS of Minnesota. Well, I desire to make the point of order.

Mr. McCLEARY of Minnesota. Mr. Chairman, I think the point of order is not well taken. This is clearly a work in progress, authorized by the last appropriation act. The last appropriation act contains the following language:

For grading and macadamizing, according to the plans of the first section permanent system of highways, Fourteenth street from its present terminus at Lydecker avenue, with the same width of roadway now open immediately south of said avenue to the junction, near Brightwood, of said street extended with Piney Branch road, including connecting line of avenue where Fourteenth street is shifted from its direct extension, and for the removal, with the assent of owners, of houses and barns, or other improvements which may be within the lines of said streets, to adjacent sites of present owners, \$20,000, the whole cost of said work, under a contract which is hereby authorized therefor, not to exceed \$59,000.

This paragraph, Mr. Chairman, appropriates for the balance of that sum.

The CHAIRMAN. Does the Chair understand from the statement of the gentleman from Minnesota [Mr. McCLEARY] that the amount carried in this paragraph is included within the limit of cost fixed by the law to which the gentleman refers?

Mr. McCLEARY of Minnesota. Yes, that is the fact.

Mr. DAVIS of Minnesota. Mr. Chairman, as I understand it, the law under which this matter is now proceeding was not a law as a legislative enactment, but was simply a matter that crept into an appropriation bill two years ago without any legislation whatever.

Now, if that makes law I see no reason why this matter could not be continued on indefinitely until millions were appropriated under what was originally an illegal proposition. The gentleman from Wisconsin [Mr. BABCOCK], as I recollect, stated upon the floor here yesterday that the matter was an unjust proposition and was never brought before the District of Columbia Committee, but was, as it were—I do not like to use any harsh terms—smuggled in under this appropriation bill. Now, it seems to me, Mr. Chairman, that there ought to be some way of limiting legislation in this indirect manner and that where a mistake has been made an opportunity ought to be given to correct it, and it should be corrected at the first opportunity.

Mr. BABCOCK. Mr. Chairman, I want to correct a wrong impression of the gentleman from Minnesota. I stated yesterday that this proposition had been before the District of Columbia Committee for two sessions and had been turned down by that committee.

Mr. McCLEARY of Minnesota. I can not hear what the gentleman from Wisconsin says.

Mr. BABCOCK. I understood the gentleman from Minnesota [Mr. DAVIS] to say that I stated that the proposition had not been before the District Committee. I wish to say he was in error. As I stated yesterday, and the record will show it here, the matter had been before the District of Columbia Committee for two sessions, and we rejected it because we decided not to report it to the House.

Mr. DAVIS of Minnesota. I stand corrected, Mr. Chairman.

The CHAIRMAN. The Chair will ask the gentleman from Wisconsin or the gentleman from Minnesota whether the appropriation law to which the gentleman refers does provide for this improvement and limits the cost?

Mr. DAVIS of Minnesota. All I know concerning that, Mr. Chairman, is what my colleague the chairman of the subcommittee [Mr. McCLEARY of Minnesota] has stated; but it appears now from the gentleman from Wisconsin that this matter had been before the District of Columbia Committee two previous sessions and was rejected.

The CHAIRMAN. But of course it does not make any difference how the law was enacted, whether by an appropriation law or otherwise, and the Chair is compelled to overrule the point of order.

Mr. McCLEARY of Minnesota. Mr. Chairman, there is one expression used by my colleague which I am sure he would not wish to have remain in the Record, and, if he will allow me further, I desire to protest against the use of the word "smuggled." The Senate of the United States has the right under its rules to do certain things. Under its rules it inserted this appropriation, and in the conference this appropriation remained in the bill. I think it only proper that this explanation should go in the record in connection with the language used by my friend, which is, I think, hardly parliamentary.

Mr. DAVIS of Minnesota. Mr. Chairman, I esteem my friend and colleague from Minnesota in the highest degree, and I thank him very much for correcting me in the use of unparliamentary language, if the same be such, I being a novice; but I used that language in a manner which I think this House and the country will understand in no bad sense. However, Mr. Chairman, I desire to be kept within the strict rule of parlia-

mentary usage and custom, and out of deference, therefore, I withdraw that language, and will ask the gentleman if he can insert any other word which will fully cover the method by which this legislation came before this body other than through the proper legislative committee.

The Clerk read as follows:

The reconstruction of the Anacostia Bridge, authorized in the District of Columbia appropriation act for the fiscal year 1905, may be on the line of the existing bridge or on such other line as may be determined by the Commissioners of the District of Columbia; and the limit of cost for this work is increased from \$250,000 to \$375,000, and the said Commissioners are hereby authorized to acquire, by purchase or condemnation, out of the appropriation made for said reconstruction, such land as is necessary to provide proper approaches for said bridge, and in case there is any dispute regarding the title of any land so condemned, the value thereof, as determined under said condemnation proceedings, shall be deposited into the registry of the court, and upon such deposit being made the title to the land claimed shall be vested in the District of Columbia: *Provided*, That the time within which said bridge shall be constructed is extended to July 1, 1907: *And provided further*, That in addition to the requirements heretofore made as to the payment for a portion of said work upon said bridge by the Anacostia and Potomac River Railroad Company, said company shall, when directed by the said Commissioners, deposit with the collector of taxes of the District of Columbia, to the credit of the appropriation for the reconstruction of said bridge, the sum of \$3,300, to defray the cost of such underfloor construction as may be necessary in order that the cars of said company may be propelled over said bridge by underfloor electrical conductors or cables, and the entire cost of maintenance of said underfloor construction shall thereafter be borne by said railroad company, and no cars shall be propelled across said bridge unless all electrical conductors or cables furnishing power for the propulsion of the same shall be placed under floor of said bridge.

Mr. DAVIS of Minnesota. Mr. Chairman, I make the point of order against this paragraph.

The CHAIRMAN. The gentleman from Minnesota makes a point of order against the paragraph which the Clerk has just read.

Mr. DAVIS of Minnesota. In that there is no existing law therefor.

Mr. McCLEARY of Minnesota. Mr. Chairman, I ask my friend to reserve his point of order temporarily pending an explanation of the matter.

Mr. DAVIS of Minnesota. Mr. Chairman, I would like very much to do so, but I was inadvertently placed in the same position last session. I raised the point of order upon this same section, although it was then in different form. It simply then provided for constructing a bridge across the Anacostia River and appropriated \$250,000 therefor. I was then requested to reserve my point of order and in the meantime the House adjourned, and on the following day when the section appeared it was changed, as my recollection is, so as to read, for reconstructing this bridge, although it was then admittedly conceded to be a new bridge, and the point of order was then overruled.

Now, Mr. Chairman, I am perfectly willing and shall be delighted to listen to any explanation the chairman of this committee may make, yet I do not feel that I would be justified, owing to my previous experience, in reserving the point of order. I may fall into the same dilemma again.

The CHAIRMAN. Does the gentleman from Minnesota [Mr. McCLEARY] desire to be heard on the point of order?

Mr. McCLEARY of Minnesota. Not upon the point of order. I think the paragraph is clearly subject to a point of order. But I think the committee is entitled to know the facts in the case; and this is the first time in all my experience in this House, Mr. Chairman, that I have ever known a gentleman to decline to reserve a point of order pending an explanation.

Mr. DAVIS of Minnesota. Mr. Chairman, as I said before, my experience is limited, and now in view of the statement the gentleman makes I will certainly reserve the point of order.

The CHAIRMAN. The gentleman from Minnesota [Mr. DAVIS] reserves the point of order.

Mr. McCLEARY of Minnesota. Mr. Chairman, many years ago a bridge was constructed across the Anacostia River. It was a public work, constructed at public expense. That bridge has now become dangerous, and we have been advised by the Commissioners that it is unsafe for the public to use it. It is in need of constant repair. During the progress of such repairs this winter, and while an opening was made in the bridge for the purpose of repairs, as I now recall the incident, a man and his horse went through the bridge down into the river. They might have been killed, but fortunately they were not.

The necessity for this bridge is urgent. That urgency was impressed upon us last year. The Committee on the District of Columbia, the legislative committee, had taken no action, and in the presence of that urgency your committee did take such action, feeling that it was in harmony with the general spirit of the work intrusted to us. We considered in the committee whether we should, in view of the necessity for this increase of appropriation or the extension of the limit of cost, ask our

friends on the legislative committee to undertake that, but inasmuch as we had begun this work we felt that it would be better to carry it to a conclusion.

On the point of order, I can only say that I believe the gentleman from Minnesota [Mr. DAVIS] is correct in his contention.

The CHAIRMAN. The gentleman from Minnesota [Mr. DAVIS] makes a point of order on the paragraph commencing with line 4 on page 24 and ending with line 12 on page 25 of the bill. The Chair sustains the point of order.

The Clerk read as follows:

Lighting: For illuminating material, lighting, extinguishing, repairing, and cleaning public lamps on avenues, streets, roads, and alleys; purchasing and expense of erecting and maintaining new lamp-posts, street designations, lanterns, and fixtures; moving lamp-posts, painting lamp-posts and lanterns; replacing and repairing lamp-posts and lanterns damaged or unfit for service; for rent of storeroom, cartage of material, livery, and other necessary items, \$211,000: *Provided*, That no more than \$20 per annum shall be paid for each gas lamp equipped with a self-regulating flat-flame burner so adjusted as to secure under all ordinary variations of pressure and density a consumption of 5 cubic feet of gas per hour, nor more than \$26 per annum for each gas or oil lamp equipped with an incandescent mantle burner of not less than 60 candlepower. And during the fiscal year 1906 the price prescribed by Congress for lighting each street lamp in the District of Columbia with gas or oil shall be construed to include the cost of the illuminating material used, lighting and extinguishing lamps, repairing, painting, cleaning, purchasing, and expense of erecting and maintaining lamp-posts, street designations, lanterns, and fixtures: *Provided*, That all of said lamps shall burn every night, on the average, from fifteen minutes after sunset to forty-five minutes before sunrise: *And provided further*, That the Commissioners of the District of Columbia may purchase, erect, light, and maintain such posts, lanterns, signs, and fixtures for street designation purposes, in addition to those mentioned above, as in their judgment may be necessary, which lamps shall not be subject to the restrictions of this paragraph except as to the time of burning: *And provided further*, That the Commissioners of the District of Columbia are hereby authorized and empowered, in their discretion, to enter into one-year or three-year contracts for any one of the above systems of lighting by gas or oil lamps equipped with incandescent mantle burners of not less than 60 candlepower.

Mr. COWHERD. I desire to reserve a point of order on that provision. On page 32, beginning with the words "*Provided further*," in line 3, down to line 14, I take it that that is new legislation, and not appropriation.

The CHAIRMAN. The gentleman from Missouri [Mr. COWHERD] reserves a point of order on that portion of the paragraph beginning on line 3, page 32, to the end of the paragraph.

Mr. COWHERD. I reserve the point of order to ask the gentleman from Minnesota [Mr. McCLEARY] if this is not new legislation?

Mr. McCLEARY of Minnesota. It is not, Mr. Chairman. We have heretofore carried this street designation lamp in with the other lighting; but we found that such lighting costs only \$12.50, while the ordinary lamp costs twenty-odd dollars. We simply put this in as a separate proviso, so that limitation might not apply.

Mr. COWHERD. I am not making the point of order, but I desire some information on the subject. The committee provides that these limitations and these restrictions shall not apply to these lamps.

Mr. McCLEARY of Minnesota. Simply as to the question of price, because we can get it cheaper.

Mr. COWHERD. It leaves it, then, in the power of the Commissioners to get it at any price. Suppose they pay a higher price? They can do so under this law?

Mr. McCLEARY of Minnesota. That was not the thought intended to be incorporated. They could have paid \$20 heretofore, but they paid only \$12.50.

Mr. COWHERD. I do not fully understand the provision. Are these lamps simply used to designate streets? What kind of lamps are they?

Mr. McCLEARY of Minnesota. There are some of them street designation and some fire-alarm lamps that need only a small light, not for illuminating purposes, but simply for the purpose of informing one that comes near. They are very much less expensive to maintain than ordinary lamps, and it was our judgment that this paragraph was in the public interest.

Mr. COWHERD. I will not make the point of order; but it strikes me that if gentlemen are going to legislate upon this line, it would be well to put some kind of restriction on this form of contract; for while the Commissioners may get them cheaper, you leave the power with them to make any kind of a contract they please. You put a limit on the other kind of lamp, and I think you should put one on this.

The CHAIRMAN. Does the gentleman from Missouri withdraw his point of order?

Mr. COWHERD. Yes; I made no point of order.

The CHAIRMAN. The point of order is withdrawn.

The Clerk read as follows:

For electric arc lighting, and for extensions of such service, not exceeding \$84,400: *Provided*, that not more than \$85 per annum shall be paid for any electric arc light burning from fifteen minutes after sunset

to forty-five minutes before sunrise, and operated wholly by means of underground wire; and each arc light shall be of not less than 1,000 actual candlepower, and no part of this appropriation shall be used for electric lighting by means of wires that may exist on or over any of the streets or avenues of the city of Washington.

Mr. BABCOCK. Mr. Chairman, I desire to reserve the point of order on this section pending a question I desire to ask the chairman of the committee. I would like to be informed if the price for electric arc lighting is the same as carried on last year's bill?

Mr. McCLEARY of Minnesota. It is.

Mr. BABCOCK. I would also like to ask when the price was raised from seventy-two to eighty-five dollars?

Mr. McCLEARY of Minnesota. At the last session it was raised from \$82, as I now recollect, to \$85 by a Senate amendment.

Mr. BABCOCK. I withdraw the point of order.

The CHAIRMAN. The point of order is withdrawn.

The Clerk read as follows:

For care and improvement of Rock Creek Park, to be expended under the direction of the board of control of said park, \$13,800.

Mr. HARRISON. Mr. Chairman, I move to strike out the last word. I would like to ask the chairman of the subcommittee, the gentleman in charge of this bill, if he will tell the committee of whom this board of control consists?

Mr. McCLEARY of Minnesota. The board of control of the Rock Creek Park consists of the Commissioners of the District of Columbia and the Chief Engineer of the United States Army, the executive officer being the Engineer Commissioner.

Mr. HARRISON. I would like to ask further whether these gentlemen are responsible for the condition and maintenance of the roads in Rock Creek Park?

Mr. McCLEARY of Minnesota. They are supposed to be.

Mr. HARRISON. Very well. I would like to call attention to what I consider to be a public nuisance in Rock Creek Park. There are several spaces in the roadway where a sheet of ice covers the road during the entire winter, and long after the ice and snow have melted on the country roadways and on the other roads of the park. This occurs, no doubt, from the fact that in building winding roads they had to be built around high bluffs and behind pine groves, and the shade lingers over those portions of the road, and the snow and ice remain there longer without melting than they do along other portions of the road or of the surrounding country. Now, the result of those sheets of ice is to create places which are dangerous to the lives and limbs of passers, whether pedestrian or equestrian. I had my attention called to this by my family last winter, because a member of my family while driving in the park had the misfortune to have the horses slip and fall on a sheet of ice on a dangerous hillside, and the carriage went over the edge of the road. The occupants saved themselves by jumping, but the horses and carriage went rolling over and over down the bluff to the bottom of the creek. There are several places in the park similar to that at which this occurred, and several other places where minor accidents have occurred to my knowledge. I wrote a letter to the authorities on this subject at the time last winter; not a letter of complaint, but one of suggestion. Inasmuch as, so far as I know, no redress lies for accidents of this sort, they ought to be all the more careful, even more careful in this municipality than in ordinary municipalities. I wrote suggesting that a fence be put along the dangerous places of the park roadways, and although it may have been too much for a mere member of the minority to expect an answer from these eminent bureaucrats, I did not receive an answer; and I have brought the matter up in the House for a minute in this way in the hope that by putting this matter into the RECORD these eminent gentlemen may allow a suggestion from the minority to puncture their halo of divinity, and the necessity for proper fencing at these places may be more promptly brought to their attention.

Now, Mr. Chairman, I recognize that this is more a matter of administration than of legislation, and I withdraw my pro forma amendment.

The Clerk read as follows:

#### PUBLIC SCHOOLS.

For officers: For seven members of the board of education, at \$500 each, \$3,500, not more than \$1,750 of which shall be used during the first half of the fiscal year; superintendent of public schools, \$4,000; two assistant superintendents, at \$2,500 each; secretary, \$2,000; clerk, \$1,400; two clerks, at \$1,000 each; and one messenger, \$720; in all, \$18,620.

Mr. FOSTER of Vermont. I move to strike out the last word.

Mr. Chairman, I desire to say a few words upon the subject of the appropriation for the public schools of the city of Washington. It seemed more appropriate to say them at this time than in the course of the general debate, and for this reason,

while promising that I shall be very brief, I make the request for unanimous consent to continue my remarks.

The CHAIRMAN. The gentleman asks unanimous consent to extend his remarks in the RECORD.

Mr. LITTLEFIELD. No, no.

Mr. FOSTER of Vermont. To finish my remarks without interruption.

Mr. MCCLARY of Minnesota. For a period beyond five minutes.

Mr. LITTLEFIELD. The gentleman asks to extend his remarks until he concludes.

The CHAIRMAN. The gentleman from Vermont asks unanimous consent to extend his remarks until he concludes. Is there objection? [After a pause.] The Chair hears none.

Mr. FOSTER of Vermont. Mr. Chairman, I appreciate the fact that it will seem rather tame to most of us to take our attention from the consideration of those great questions which are to-day engrossing the public mind, some of which were considered during the course of the general discussion allowed in connection with the consideration of this bill, and turn our attention to the humble subject of the compensation of the teachers in our public schools; but I stand here for a few moments to plead the cause of the boys and girls of Washington, to plead the cause of the public schools of Washington.

It goes without saying that our public schools have become the chief stone of the corner of our Republican institutions. Our public school system is as thoroughly modern as the steam car or the steamboat. Even England, with all her ancient and justly celebrated seats of learning, had no system of public instruction until within the last generation. Under the old idea the education of the minor child, as well as its care and custody, was intrusted entirely to its father. That the public had any interest in the welfare of the child, which could be considered in derogation of the rights of the parents, found no place in the laws or the courts. But under our American system, by which the child when it reaches maturity becomes an integral part of the State, the welfare, the education, the development of the child becomes of vital and therefore controlling interest. More than this, our institutions founded upon liberty under law mean the fullest opportunity to everyone for growth and development, and this means that within reasonable limitations it is as much the duty of the community to protect the helpless child from these conditions for which it is in no way responsible and which would maim its young life as to protect it from outward violence. So jealously does the law to-day regard the helpless child that it protects him from the indifference, from the greed, and frequently from the real needs of the parent, as well as the grinding selfishness of others. Not only are schools provided, but it is made the duty of the parent, a duty which he may not disregard, to see to it that the child attends those schools. And it warns the neighboring shop and mill not to employ the child until he has attended the school the required time.

As a result of all this, the different States of the Union have for many years vied with each other in maintaining at a high point of efficiency their public schools. When you go into the newer communities in the far West, the one thing that attracts your attention is the public school buildings.

Now, this being true, it follows as a natural consequence that the National Government, wherever it is responsible for a system of public schools, ought to maintain those schools in an ideal manner, ought to give the States of the Union an object lesson in the maintenance of such schools.

With the development of this school system a new profession has arisen—that of the public school teacher. It is an exacting profession. It requires careful preparation; it requires broad culture; it requires a progressive spirit, industry, patience, and continuous preparation for the work.

Turning for a moment to the public schools of the city of Washington, I submit that we as a national government, as representatives of the people, have fallen short of our duty in maintaining here a system of public instruction which should be an object lesson to the several States of the Union. We treat the public school teacher here just exactly as we treat the clerks in the different Departments of the Government. So the first criticism that I have to make upon the method by which we deal with the public school question in this city is this: That we fail to do what is done by every board of aldermen in every municipality in every city of the Union. We fail to hand over to the school board a certain sum of money for the maintenance of the public schools. Instead of that we have the provision contained in this bill. I have no criticism upon this committee. They have simply followed the precedents of many years. They say:

For 1,442 teachers, to be assigned as follows—

Then follows the assignment and the compensation of each one. Not satisfied with that, they write into the law that it shall not be lawful to pay or authorize or require to be paid from any of the salaries of teachers herein provided any portion or percentage thereof for the purpose of adding to salaries of higher or lower grades. It is as ironclad as any arrangement which we have for the payment of the clerks in any of the minor departments of the Government here in Washington.

Now, how is it done in other communities? How do your own communities manage the matter? Why, under the government and administration of many of your States the law levies a certain per cent of tax which never belongs to the board of aldermen, but which by law is set apart to the use of the proper officers, generally the board of education, for the maintenance of the public schools of that community.

And that board proceeds to construct a system of promotion for the teachers which tends to secure to the community the benefit of long terms for the best teachers, and you all know that experience counts in the career of the teachers in our public schools.

Let me give you an example of what I mean. I will take first the city of Detroit, Mich., about midway between the East and the West. I will give you the salary of the high school teachers there. And I am now discussing the methods in vogue in the city of Washington which give the same salary year after year to the teachers of the same position. For instance, the salary of the principals of the high schools here is \$1,800, and the teacher who has occupied one of these positions for thirty years does so without a single hope of the slightest increase in salary in return for the years of experience which he gives the school. The same is true of all the other positions.

Now, take the city of Detroit. The principal of the Central High School gets \$3,000. The principals of the Eastern and Western high schools get \$2,000. Then we come to the other teachers in the high school, the under teachers. The first year the assistant teacher gets \$700; the second year, \$750; the third year, \$800; the fourth year, \$850; the fifth year, \$900; the sixth year, \$950; the seventh year, \$1,000, and the tenth year, \$1,200. That is the system which secures to the community the benefit of experience in its best teachers.

But that is not alone. Take the city of Providence, R. I., in the far East. The principal of the high school gets \$2,500. The first assistant gets the first year \$1,600; the second year, \$1,700; the third and subsequent years, \$1,800. And the same course is pursued with all the other teachers in the high school. I am limiting my consideration of the high schools in the city and comparing it with the high schools of the other communities, but the same principle holds in connection with the schools of all other grades.

Take the city of New York. We sometimes speak of New York as being Tammany ridden; but consider for a moment how the city of New York maintains her public schools. We will take the high school grade. The principal gets \$5,000 a year. The first assistant for the first year, if a woman, gets \$2,000; if a man, \$2,500. For the second year, \$2,100, if a woman, and \$2,600 if a man; and this salary is increased every year until the sixth year the woman gets \$2,500 and the man \$3,000.

This is the system that maintains throughout the length and breadth of our land. Now, why is it that we refuse to trust the board of education in the city of Washington to provide for the city of Washington a similar method of control and payment for the public teachers, a system by which the efficient teacher, the faithful teacher, the teacher who is willing to remain year after year, can look forward to some addition to his salary? In point of fact, the clerk, and particularly the lower priced clerk, in the various departments of the Government can look forward to an increase from year to year.

The other point to which I wish to call attention is the absolute inadequacy of compensation which is given to the teachers in these public schools. Look for an instant at the provisions in this bill. It provides for 1,442 teachers, with a total compensation of \$1,058,900. That is, the average pay for these 1,442 teachers is \$734 a year. When you are considering what that compensation is, turn back to page 12 of the bill before us and read from line 4 to line 21, inclusive. The compensation that is provided there for the street sweeping office, for superintendent, assistant superintendent, clerks, "including the following now authorized and being paid from the general appropriation"—the whole number of officials included in these lines is 35—and the average compensation for these 35 in the street sweeping department of the government is \$851. In other words, \$734 is the average compensation given to the men and women who are placed in charge of the boys and girls of this community, and \$851 is the average compensation of the men

who are placed in charge of the work of cleaning the streets of the city of Washington.

Mr. BAKER. Will the gentleman permit a question?

Mr. FOSTER of Vermont. Yes.

Mr. BAKER. Does the gentleman regard that as the ratio of value that this committee attaches to street sweeping as compared with education?

Mr. FOSTER of Vermont. No; I do not think so. I have profound regard for every member of that committee.

Mr. COCKRAN of New York rose.

The CHAIRMAN. Does the gentleman from Vermont yield to the gentleman from New York?

Mr. COCKRAN of New York. I would merely ask, Mr. Chairman, to be taken into the conversation, so that I can hear what is going on.

Mr. FOSTER of Vermont. Mr. Chairman, I wish to say in that connection that I am not pronouncing any criticism upon the members of this committee. I have a peculiar regard for my colleague the gentleman from Minnesota [Mr. McCLEARY], who has charge of this bill. I have not talked this matter up with him. I have had no opportunity to do so. This bill came on unexpectedly, and I found it under consideration when I came into the House yesterday. I believe that the gentleman who has charge of the bill will agree with me in general respecting these criticisms which I make.

Mr. BAKER. Mr. Chairman, will the gentleman yield to a question?

The CHAIRMAN. Does the gentleman from Vermont yield to the gentleman from New York?

Mr. FOSTER of Vermont. Yes.

Mr. BAKER. I desire to ask the gentleman from Vermont of what benefit it will be to the teachers of this city that the chairman of the subcommittee agrees with the gentleman from Vermont if he does not put that agreement into practical effect by producing some results and providing here in this bill that the teachers should have an increase in pay? A personal agreement is of no value to the teachers of this city.

Mr. FOSTER of Vermont. Mr. Chairman, I have great confidence that when the proper time comes the gentleman who has charge of the bill will see the importance of showing his sympathy with us in our position by not opposing an amendment which I have prepared to offer at the proper time.

Mr. BAKER. Mr. Chairman, I hope that will turn out to be true. I certainly hope so.

Mr. FOSTER of Vermont. That is where I think the benefit to the teachers will come in. Now, I wish to show the committee a little of the feeling on the part of the officials of the school board in the city of Washington respecting this question of the compensation of the teachers. I have in my hands the report of the board of education to the Commissioners of the District of Columbia for 1903-4, and I read first from page 69, from the report of the superintendent of schools:

The insufficiency of the salaries paid to our teachers is a topic which has been fully discussed in every annual report of the present Board of Education. The board has been aroused to the necessity of securing some relief from the loss of numbers of our best men teachers who have been lured away to other cities by the offer of more attractive salaries. In every instance these teachers have given up their positions in the capital city with reluctance, being keenly appreciative of the advantages of Washington as an educational center, and willing to remain here for a much smaller advance than was offered them in other cities. This enforced emigration of seasoned teachers has served to weaken our teaching force, as in no case has the salary which was given up been large enough to enable the board to secure teachers of equal experience and skill to fill the places vacated.

A condition which threatens even more permanent damage to the future well-being of our schools than the loss of a few high-class teachers now confronts the board in the fact that the falling off in the number of graduates of our high schools who are aspirants for the profession of teaching has been so marked within the last few years that the supply of material for the making of trained teachers is insufficient to meet the home demand. The normal school for white pupils should graduate annually 60, or possibly 70, pupils in order to keep up with the local demand. Instead of this number it is found difficult to get 50. This condition is partially explained by the large number of capable boys and girls who accept the college scholarships offered to graduates of the Washington high schools, but I think the chief cause is the small pecuniary inducement held out to the normal graduate in Washington, for although under the rules of the board the normal schools invite college graduates to take their courses, accepting their diplomas as the equivalent of a year's work, yet few of this class are tempted into a field which offers so few rewards to scholarship and training.

On page 146 Mr. J. Chamberlain, director of manual training schools, says:

In my report for 1902-3 I gave particular attention to the matter of salaries as one of increasing importance when the welfare of these schools is under consideration. I then said: "There are heads of departments in this school worth to it double their present salaries who are liable to leave it any day to accept elsewhere 50 per cent more than they are now receiving, and yet reasonable and regular increases with the prospect of that amount at the end of a term of years, not too long extended, would probably keep them here indefinitely."

In the loss of Mr. Forest Grant and Mr. John D. Minnick the most

serious possibility in mind two years ago has become a fact. Here were two of the best men and most efficient teachers ever appointed to our schools. The organizer of this school discharged his responsibility to it when he secured such men; they were contented in Washington and in the service of the schools here; they would have remained for a less salary than offered them elsewhere; but they were responsible to their families for the future and they could not discredit themselves by continuing to offer their abilities in a poor market. Unhappily, the weakening of our schools in this manner year after year is not an imaginary thing. Where will the responsibility for the ultimate condition of the schools be placed?

The arguments advanced in these reports during the past eight or ten years in favor of better salaries for the grade teachers of manual training gain in force as the years pass.

I realize that the matter of salaries is one which belongs to no one department of our schools, and I do not dwell upon it as of more importance in this than in others except in so far as this is not only a new school, but a new kind of school in many respects, and as such it deserves well of us until it has passed the experimental stage, at least. If it is not given a fair trial the results will not be conclusive. I know of no school question to which the salary question should stand second.

On page 189 Mr. P. M. Hughes, director of high schools, says:

To help boys and girls to become men and women in the best and broadest sense, physically, mentally, and spiritually, is the purpose of the high schools, and jointly with parents the privilege and duty of every high school teacher. No one should be appointed to teach in the high school who has not already shown high qualifications and developed effective power certain to help in bringing about the above results. That the applicant for a teacher's position may be mentally equipped to teach any subject or group of subjects is only a part of his necessary fitting, and is of much less importance than that the person be a man or woman who, through his or her own experience in life, is capable of influencing pupils to form right habits and develop true character. To this end I can not too strongly urge that none but the best and most competent persons be selected to teach in our high schools. The appointment of any person on any other ground than that he or she is unquestionably the most competent candidate is certain to lessen the power of the school as an instrument for good, in forcing upon our boys and girls weaker and less efficient teachers instead of the stronger ones they might and should have.

One of the greatest difficulties in the way of our securing the best teachers for the high schools is the low salary which must always be offered. Our salaries rarely have any attraction for good and experienced teachers, who readily find better positions elsewhere. In addition we are constantly losing our strong teachers through the fact that they can secure higher salaries with brighter prospects of advancement in other places.

Again, while the probability of losing our strongest and most helpful teachers is constantly menacing us, the most serious and disgraceful part is that many of the salaries paid are utterly inadequate for the proper maintenance of our teachers in health and comfort and the affording of opportunity for them to make any provision against the helplessness of old age. No matter how excellent the teacher may be, it seems to be assumed that money enough to provide the mere necessities of life while she serves in the schools is sufficient. And we practically say, "When she has worn herself out in the work let her go—to the poorhouse—there are plenty of others who are glad to get her place." It happens, too, in many cases that in addition to supporting themselves teachers have the responsibility of supporting, either wholly or in part, others who are dependent upon them. It does not help a teacher's work for her to be constantly harrowed by the fact that a dependent and perhaps feeble mother or sister is in need of the comforts if not the actual necessities of life. Yet we have cases of this kind in our schools.

In the last fifteen years we have lost from the city of Washington forty-six high and manual school teachers, and of these thirty-five were men. We have lost twenty in this way since 1900. The Manual High School of New York has six from the high and manual training schools of this city. One left a position here which paid \$1,000 to receive \$2,290 per year there. Another left \$1,500 per year here to get \$2,800 there. One teacher left \$1,500 here to receive \$5,000 there.

Now, Mr. Chairman and gentlemen of the committee, Washington is becoming a great educational center. We are doing in many departments of the Government as fine scientific work as is done anywhere in the world. We are doing a great deal to beautify the city of Washington. The people of the United States everywhere are interested in seeing this made an ideal city. And it seems to me, Mr. Chairman, that while we are appropriating millions upon millions of dollars to beautify the city and make it an ideal city, we ought to be willing to do simple justice, not to be generous, but to do simple justice by the boys and girls of Washington by the public school system of Washington.

At the proper time I wish to offer the amendment which I now send to the Clerk's desk and ask to have read.

The CHAIRMAN. The Clerk will read the amendment, for the information of the committee, in the time of the gentleman.

Mr. McCLEARY of Minnesota. Mr. Chairman, I reserve the point of order.

The CHAIRMAN. The amendment is only read for information at this time.

The Clerk read as follows:

Cut out from line 6, on page 74, to line 24, on page 36, inclusive, and substitute the following:  
"For teachers, \$1,090,000."

Mr. FOSTER of Vermont. I would just add, Mr. Chairman, by way of explanation, that the amendment carries \$40,100 in addition to the amount appropriated by the bill. So far as the other provision is concerned it simply cuts out this assign-

ment of teachers and leaves that work to the board of education.

Mr. RIDER. Mr. Chairman, I offer the amendment which I send to the Clerk's desk.

The CHAIRMAN. The gentleman from New York offers an amendment which the Clerk will report.

The Clerk read as follows:

On page 33, in line 21, strike out all after the word "officers" to and including the word "year" in line 24.

Mr. McCLEARY of Minnesota. Mr. Chairman, upon that I reserve the point of order. The point of that is to remove the payment of salaries to school officers.

Mr. RIDER. Yes, that is the purpose of the amendment, that there shall be no salaries paid to the commissioners of education in the District of Columbia.

Mr. McCLEARY of Minnesota. Does the gentleman desire to say anything in support of his amendment?

Mr. RIDER. Just a few words. I desire to call the attention of Members of the House in this connection to the fact that this is a peculiar condition of affairs prevailing in no other great municipality in the United States. In almost every city in our Union we find representative, prominent men who are willing and glad to serve on the board of education without any compensation whatever, deeming it an honor and a privilege because civic pride and interest in the cause of education actuates them in the cause, and I see no reason why here in the District of Columbia, where certainly the citizens have equal civic pride with citizens of other cities in the United States, there can not be found prominent men who are perfectly willing to serve on the board of education without salary. Now, this is a move in the direction of economy. It is a move in the right direction. This expenditure of \$3,500 is entirely unnecessary. I think the committee has followed precedents in this matter. In the schools of St. Louis, Indianapolis, Cleveland, Chicago, Boston, Philadelphia, Minneapolis, and New York members of those boards serve without any compensation whatever, and I think the same rule should prevail here. There should be no salary of \$500 given to a commissioner of education in the District of Columbia, and I think it would better the school system and bring into the board of education representative men of this District who are certainly interested, and interested by unselfish motives, in the cause of education, in the children of this District. [Applause.]

Mr. BAKER. Will the gentleman yield for a question?

Mr. RIDER. Certainly.

Mr. BAKER. I understood the gentleman to say that there was certainly as much civic pride among the people of Washington as in other cities, and I would ask the gentleman how he can imagine there can be civic pride in a community where the people have nothing to do with their government?

Mr. RIDER. They have the right to come here and to be heard.

Mr. BAKER. They have no voice in this nor in any other matter of government.

Mr. RIDER. They are interested in the education of their children.

Mr. BAKER. But they have got nothing to say about the government, so how can they have civic pride?

Mr. RIDER. Are they not interested in the education of their children? They certainly have manifested it on various occasions here.

Mr. McCLEARY of Minnesota. I desire to say in answer to the gentleman from New York [Mr. RIDER], with the spirit of whose remarks I am in thorough accord, two things. First, the plan of noncompensated service on the school board has been tried in the District of Columbia, and has been found wanting. In consequence an act was passed by the Congress in 1901, providing for a board of education that should have compensation. The act reads as follows:

The Commissioners of the District of Columbia are hereby authorized to appoint seven persons, bona fide residents and taxpayers of the District of Columbia, and who have been such for five years immediately preceding their appointment, who shall constitute a board of education, and whose term of office shall be seven years, except that the terms of the persons first appointed shall terminate as follows, one each year, to be determined by lot among the members of the board first appointed. The compensation of members of the board shall be \$10 each for personal attendance at each meeting, but shall not exceed for any member \$500 per annum.

Now, what would be the effect of the motion of my friend from New York [Mr. RIDER] to strike out the appropriation? It would have no effect whatever; that is, it would not have the result which he desires. The members of the board would still be entitled under the law to this sum of money, and could sue and recover it in a court. And, therefore, Mr. Chairman, in view of the fact that we have tried the experiment of having a board that was noncompensated, and found that wanting, and in view

of the fact that this payment is being made in accordance with an act of Congress and that the people interested could recover, I see nothing to be gained by the amendment offered by the gentleman from New York [Mr. RIDER] and therefore I trust the committee will vote it down.

Mr. RIDER. Will the gentleman from Minnesota [Mr. McCLEARY] yield?

Mr. McCLEARY of Minnesota. Certainly.

Mr. RIDER. How long ago was the noncompensated scheme tried?

Mr. McCLEARY of Minnesota. Up to three or four years ago. This act was passed in 1901.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York [Mr. RIDER].

The amendment was rejected.

The Clerk read as follows:

For director of high schools, \$2,500.

Mr. COCKRAN of New York. Mr. Chairman, I desire to submit the following amendment.

The CHAIRMAN. The gentleman from New York [Mr. COCKRAN] desires to offer an amendment which the Clerk will read.

The Clerk read as follows:

On page 34, line 8, strike out the words "twenty-five hundred" and insert the words "three thousand;" so that the paragraph will read "for director of high schools, \$3,000."

Mr. McCLEARY of Minnesota. Mr. Chairman, I desire to reserve a point of order.

Mr. COCKRAN of New York. Mr. Chairman, as an amendment similar in character will be offered to each succeeding paragraph governing the salaries of teachers, I will ask the committee to let me give now the reasons which move me to offer the whole series. And for that reason I ask the same indulgence which was extended to the gentleman from Vermont [Mr. FOSTER].

Mr. McCLEARY of Minnesota. How much time does the gentleman from New York [Mr. COCKRAN] require?

Mr. COCKRAN of New York. Probably not over ten minutes.

The CHAIRMAN. The gentleman from New York [Mr. COCKRAN] asks unanimous consent that he may proceed for ten minutes.

Mr. COCKRAN of New York. Or thereabouts. I ask the same indulgence that was given to the gentleman from Vermont [Mr. FOSTER].

The CHAIRMAN. The gentleman from New York [Mr. COCKRAN] asks unanimous consent that he may be permitted to conclude his remarks. Is there objection? [After a pause.] The Chair hears none.

Mr. McCLEARY of Minnesota. Mr. Chairman, it is understood that I reserve a point of order?

Mr. COCKRAN of New York. Oh, certainly.

Mr. Chairman, I am sure that the committee was profoundly impressed with the speech of the gentleman from Vermont [Mr. FOSTER] concerning the provision which has been made for the support of teachers in the District of Columbia. We are here in a position so conspicuous that whatever we do will be observed throughout the whole country. We are in the happy condition that there is practically no limit to our authority and no bounds to our resources. Whatever we may conceive to be the proper standard of education for a community to maintain, that we can establish in the city of Washington.

When the gentleman from Vermont [Mr. FOSTER] informs the House that the public school system is at the very basis of our political structure, he has stated something which I am sure nobody here will question. Now, the importance attached to a school system, Mr. Chairman, in the estimation of the governing body is largely shown by the provision that is made for its support. If we compare the provision made for the support of our schools with the provision made for the support of any other department of the District government, we will find that education must be almost an object of contempt in the estimation of the committee responsible for this bill.

We have here, sir, a bill appropriating moneys for the salaries of 1,422 teachers. Of these, I find that 1,400 are paid less than \$900 a year each. Almost the entire body of your instructors are paid less than a policeman of the very lowest rank. Page 45 of this same bill contains appropriations for the payment of police in this District. Examining it we find that no policeman is paid less than \$900. Nine hundred dollars is the minimum salary of the force, and it is paid to 375 privates. One hundred and twenty-one school-teachers are paid between \$900 and \$1,000; 265 police privates are paid \$1,080. Two teachers, directors of high schools, are paid \$1,100; 40 sergeants of police are paid \$1,140. Five principals of schools are paid \$1,300; 11 lieutenants of police are paid \$1,320.

But these are the least significant features of a comparison

between salaries paid for services of the highest intellectual order in the schools and those paid for services chiefly muscular—though important and efficient—in the streets. Not a single policeman, as we have seen, is paid less than \$900. Out of about 1,450 teachers some 1,400 are paid less than that amount and the majority of them less than \$700. Think of these figures. Yet even these are not the most striking or the most distressing. About 350 teachers receive salaries ranging between five and six hundred dollars. Nearly one-half the force occupied in a task of capital importance to society—that of preparing youth for the burdens, the duties, and the responsibilities of citizenship—are paid less than menial servants. The ordinary day-laborer, unlettered and without grave responsibilities, can command about \$2 a day for manual labor. One-half of all your teachers, charged with the most delicate, difficult, and responsible duties, are paid at less than that rate.

Now, Mr. Chairman, it seems to me I can add nothing to the force of this plain statement of facts and figures. The highest function which any agent of the state can discharge is the preparation of youth for citizenship. To that high service you assign the meanest compensation in all the list of salaries established by your bill. How can we hope that a department discredited in this manner can be maintained in efficiency? And, sir, it is not efficient. It can not be efficient. The gentleman from Vermont, with a great deal of force, points out that the educational system of the District is being drained of all its best officers by the higher salaries paid in other parts of the Union. Yet with that knowledge before the Committee on Appropriations a bill is reported here which deliberately fixes a rate of compensation for teachers so utterly inadequate that I believe it is no exaggeration to describe it as shameful.

I am one of those, Mr. Chairman, who believe that every educational system in the country falls short of what is necessary to the perfect security of society and the full efficiency of republican institutions. I believe education should be more extensive and that it should embrace more branches and cover a wider domain than is now furnished by any system in force throughout the country. But while public opinion is not yet ripe for that fuller, more complete education which I think essential to the safety of every democratic community we are all agreed that such instruction as the State is now willing to furnish should be of the highest standard that money can secure and enthusiasm furnish. If this amendment be adopted the teachers affected by it will not obtain a high reward.

Not even in those cities where \$5,000 a year are paid for services (to which this bill awards the paltry sum of eighteen hundred dollars) do principals of schools receive compensation in any degree commensurate with the services which they render. There are no adequate rewards in pedagogy anywhere. Enthusiastic service in that field can be obtained only through the devotion of its professors to the task which they have made their own. But this measure refuses not simply to reward teachers; it proposes to starve them. This city, which should be an example to the whole country for liberal treatment of its educational establishment, has been so parsimonious in its salaries that it practically takes an attitude of hostility to efficient public instruction.

Mr. Chairman, when we can not plead any lack of resources or of power to make these available there can be no explanation of a failure to make adequate provision for the education of youth except indifference on our part. It is against exposing ourselves to such reproach that I appeal to this committee. I hope the gentleman from Minnesota [Mr. McCLEARY] will not press a point of order against this amendment. I most earnestly trust it will be adopted, and that we will proceed at once to make such a substantial increase of salaries as will be, if not a complete, adequate provision for an efficient system of instruction, at least a step in the direction of more liberal compensation to the men and women who devote their lives to the most important service in the whole field of civic duty. [Applause.]

Mr. GARDNER of Michigan. Mr. Chairman, we are all in harmony with these gentlemen who are eulogizing our public school system. Nothing that they have said or can say commendatory of that great system which is fundamental to our plan of intelligent government will find anything except indorsement by the members of this committee.

But there are some things that have been said in this debate which will hardly be borne out by the facts. The gentleman from Vermont [Mr. FOSTER], for instance, says that if a teacher shall be here thirty years in the high school he can not hope for promotion. There were several promoted last year.

Mr. FOSTER of Vermont. Mr. Chairman, I will ask if there was a high school teacher promoted last year? I limited it to principals of the high school, who have received \$1,800 since the time when the memory of man runneth not to the contrary in

the same grade. I do admit that last year we raised the lowest grade of teachers from \$450 to \$500 per year, and I say that that is substantially the only increase that has been granted since 1878.

Mr. GARDNER of Michigan. The facts are these: That last year there were five principals of high schools raised from sixteen to eighteen hundred dollars, two principals of normal schools from sixteen to eighteen hundred dollars, three directors of physical schools from twelve to fourteen hundred dollars, two other principals from sixteen to eighteen hundred dollars. The gentleman has been misinformed.

Mr. CALDERHEAD. Was that done in the bill of last year? Mr. GARDNER of Michigan. Yes; and 160 teachers receiving salaries in the lower grades were last year materially advanced in addition to these.

Mr. CALDERHEAD. Was that done by this committee? Mr. GARDNER of Michigan. Certainly.

Now, it is well known that in the teaching profession, as in other professions, people do not enter it for the monetary consideration wholly. There are other compensations in the teaching profession infinitely above those of street sweeping, to which the gentleman from Vermont [Mr. FOSTER] has called attention.

Mr. FOSTER of Vermont. Will the gentleman yield for a question?

Mr. GARDNER of Michigan. Yes.

Mr. FOSTER of Vermont. Are there not larger demands upon the profession of teaching than are made in the street-sweeping department?

Mr. GARDNER of Michigan. Certainly; and so there are demands made upon the Members of this House that are not made upon men who are getting three, four, and five times the salaries they get here; and men are leaving this Chamber in order to make money because they know they will die poor if they remain here.

One of the most prominent men in this House in a generation voluntarily relinquished his membership in it and went from the Speaker's chair to the great city from which the gentleman from New York [Mr. COCKRAN] comes, and he went, as in his quaint way he said, "to make a dollar and a half." He could not make it presiding with transcendent ability over this great body, out of the salary he received here. He said he must go out and make something for his wife and child and for his old age. Men are constantly dropping out of this Chamber for that reason.

Again, in other callings besides teaching—why, the chef in one of the hotels in the city of Boston received more compensation than the president of Harvard College, the greatest and most richly endowed institution of its kind on this continent. The man at the head of the most learned faculty in the country was paid less than the chief cook in one of the hotels.

The jockeys who ride horses at the races are paid five times as much, some of them, as the distinguished orator from New York [Mr. COCKRAN], who justly enjoys an international reputation for eloquence, is paid in this House for serving his country. With regard to the transfer of teachers, the teaching force is itinerant; for one reason or another its personnel is constantly changing both in the larger and the smaller cities. There is no more unsettled profession, not even the ministry, than the teaching force of this country.

The CHAIRMAN. The time of the gentleman from Michigan has expired.

Mr. COCKRAN of New York. I ask that the gentleman's time be extended five minutes.

The CHAIRMAN. The gentleman from New York asks that the time of the gentleman from Michigan be extended for five minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. GARDNER of Michigan. Men change their location, and women, too, in teaching, for one reason or another. So, too, men are leaving the service in the Departments. Only the other day one left the Treasury Department because he was to receive several times as much more in his new place. In the gentleman's own city of New York another who recently left the Treasury Department now occupies a conspicuous financial position before the country. He was not content to serve for \$4,500 a year when he could do vastly better elsewhere. The teaching profession is being robbed constantly, if I may use that word, of many talented men because the world gives greater compensation than can be paid them as teachers. Let it be understood that the draft upon the public treasury of our communities for the public school system is a very great one.

I am thoroughly in sympathy with the gentleman's position that these teachers are not adequately compensated. You can not adequately compensate them. The man or the woman who molds minds and shapes destiny can not be paid in dollars and cents.

Mr. BENNY. Will the gentleman allow me a question?  
 Mr. GARDNER of Michigan. Certainly.  
 Mr. BENNY. If we can not adequately compensate them, can not we at least pay them enough to live decently on?  
 Mr. GARDNER of Michigan. We do.  
 Mr. BENNY. We do now?  
 Mr. GARDNER of Michigan. Yes.  
 Mr. BENNY. Can a teacher live on \$500 a year?  
 Mr. GARDNER of Michigan. That depends altogether on where they are and how they are situated.  
 Mr. BENNY. Take it in Washington, for instance.  
 Mr. GARDNER of Michigan. Yes; we have teachers living decently in Washington, if the gentleman from New Jersey chooses his word correctly, on \$500 a year.  
 Mr. BENNY. I will strike out the word "decently" and substitute the word "properly."  
 Mr. GARDNER of Michigan. And some of them are supporting families besides. There are multitudes of men toiling year after year at a less compensation than \$500, and supporting families.  
 Mr. BAKER. In this prosperous country?  
 Mr. GARDNER of Michigan. Certainly.  
 Mr. BAKER. Do you hear it? In this prosperous country!

[Laughter.]  
 Mr. GARDNER of Michigan. Let me tell the gentleman from New York that out of these families come the children that are to be eminent in the next generation, boys and girls who in childhood learn the lessons of self-help and self-denial, and, like the majority of the men sitting in this House, who came here, brought up, not at the feet of wealth, but at the feet of comparative poverty; the coming conquerors of this world sit now, as they have in the past, where luxury is a stranger and want a familiar guest.

Mr. COCKRAN of New York. I would like to ask the gentleman if he doesn't think it would be well to reduce the salaries? [Laughter.]

Mr. GARDNER of Michigan. No, sir; I would not say that.  
 Mr. COCKRAN of New York. I wanted to get the gentleman's position clear. His eulogy of poverty was so touching that I did not know whether these teachers were poor enough. [Laughter.]

Mr. GARDNER of Michigan. It may be very touching to the gentleman from New York, but, if it is, it is because it is true, and the gentleman knows it. The pathway is constantly open to the teachers for promotion, to the man or the woman, and we are following out the method in this bill of advancing the teachers in the lower to the higher grades. I hope the committee may be sustained, for, if the gentleman's motion prevails, consistently you must go through the whole list and materially advance every one of the 1,442 teachers. The gentleman from New York has taken, not the \$500 teacher nor the \$600 teacher, but the \$2,500 dollar teacher, and advances him to \$3,000. What is he going to do for these five, six, seven, eight, and nine hundred dollar teachers?

Mr. COCKRAN of New York. Will the gentleman allow me?  
 Mr. GARDNER of Michigan. Certainly.

Mr. COCKRAN of New York. I stated when I rose and asked for an extension of time that I intended to offer an amendment to each paragraph increasing the salaries of all teachers, and I asked time to state at once the reasons which would apply to all the amendments as they rose. I have not offered the amendment to the provision affecting teachers who receive \$500 or \$600, because we have not yet reached those paragraphs, and under the rules I am bound to offer each amendment as the Clerk reaches the paragraph of the bill which I desire to affect.

The CHAIRMAN. The time of the gentleman has expired.  
 Mr. CLARK. Mr. Chairman, I ask unanimous consent that he may have five minutes more.

The CHAIRMAN. The gentleman from Missouri asks unanimous consent that the gentleman from Michigan may have his time extended five minutes. Is there objection?

There was no objection.  
 Mr. CLARK. Mr. Chairman, I desire to ask the gentleman from New York [Mr. COCKRAN] if his amendment contemplates raising these salaries all along the line?

Mr. COCKRAN of New York. All along the line; yes, sir. I explained that in the beginning.

Mr. CLARK. I did not happen to be in the House at that time.  
 Mr. COCKRAN of New York. All the salaries, I conclude, are inadequate to the services which these men and women are rendering.

Mr. GARDNER of Michigan. Mr. Chairman, I hope the committee will bear that in mind, as to whether or not we desire to go along the whole line and advance the salaries of each and all of the teachers from 25 to 50 per cent or 100 per cent, as the case may be.

Mr. CRUMPACKER. Mr. Chairman, is it not true that many of these teachers teach only two or three hours a day?

Mr. GARDNER of Michigan. A very considerable per cent of them teach but one session of three hours.

Mr. CRUMPACKER. And five days in the week?

Mr. GARDNER of Michigan. Yes. Let that be borne in mind also. Many of these teachers, I will say to the gentleman from New York [Mr. COCKRAN], are teaching but three hours a day, five days in the week, and nine months in the year.

Mr. BAKER. Will the gentleman yield?

Mr. GARDNER of Michigan. Yes.

Mr. BAKER. Is not that equally true of most of the cities of the Union?

Mr. GARDNER of Michigan. Yes.

Mr. BAKER. Then why emphasize it here, as though it were an exception? It applies to the salaries that are paid in these various cities.

Mr. GARDNER of Michigan. Let me say to the gentleman from New York [Mr. BAKER] that the teachers in the city of Washington are receiving more than the average teachers in schools of corresponding grades in this country now.

Mr. CLARK. Mr. Chairman, I would like to ask the gentleman from Michigan a question or two for information. I understand that these teachers in Washington, some of them, are divided into what might be called relays. Part of them teach the forenoon session and part the afternoon session. The question I desire to ask is this: Why would it not be better to have the teacher teach the double limit, five hours or six, whichever it is, and then raise the rate and reduce the number of teachers?

Mr. GARDNER of Michigan. I will say to the gentleman from Missouri that that matter was brought up and discussed somewhat in detail in the hearings, and it was the judgment of the superintendent that the present method was better than the one he suggests.

Mr. CLARK. Let me ask another question. Although they teach only three hours a day, that practically precludes them from engaging in any other employment, does it not?

Mr. GARDNER of Michigan. Generally speaking, I should say so.

Mr. GILBERT. Is it true that the same class has one teacher in one part of the day and another teacher in another part of the same day?

Mr. GARDNER of Michigan. Not necessarily so. For instance, the kindergarten has but one session in the day and the same with some of the primary grades.

Mr. GILBERT. I should think it would be exceedingly unfortunate for the same class to be under the control of two or three different teachers of the same grade.

Mr. GARDNER of Michigan. The same class is under the control of different teachers where they are in the high schools, but not in the primary grades.

Mr. GILBERT. I mean in the same studies.

Mr. GARDNER of Michigan. There is no such thing, as I understand.

Mr. BAKER. I understood the gentleman from Michigan to say a moment ago that teachers in the city of Washington are receiving more than the average in respective grades, compared with other cities.

Mr. GARDNER of Michigan. Through the country at large.  
 Mr. BAKER. In the country at large?

Mr. GARDNER of Michigan. Yes.

Mr. BAKER. Of course, I assume when the gentleman says the country at large that he includes the smaller cities. He does not refer to this schedule that has been drawn up by the teachers of Washington.

Mr. GARDNER of Michigan. No.

Mr. BAKER. Which has been sent to every Member, I believe.

Mr. GARDNER of Michigan. No; I take the whole country.

Mr. BAKER. I desire to call the attention of the gentleman to the fact that that is not a fair comparison. Everybody concedes that the expense of living in Washington is higher than in any city of the Union of 500,000 population. Now, to compare the salaries paid here, where the expense of living is so enormous—because, as I have said before in this House, of your failure to tax land values, for that raises the rent—I say, to compare the cost of living here with that of smaller towns, where the cost of living is probably not more than two-thirds of what it is in Washington, is unfair.

Mr. GARDNER of Michigan. Well, with the gentleman's land tax I am not concerned just now, but the general proposition will stand that the teachers of this city are fairly compensated as compared with teachers doing like work through the country at large.

Mr. VANDIVER. Will my friend allow a question?

Mr. GARDNER of Michigan. Yes, sir.

Mr. VANDIVER. What is the highest salary paid to school-teachers in this city?

Mr. GARDNER of Michigan. The superintendent, I think, gets \$4,000 a year.

Mr. VANDIVER. And principals of schools how much?

Mr. GARDNER of Michigan. One thousand eight hundred dollars.

Mr. VANDIVER. What is the lowest salary paid?

Mr. GARDNER of Michigan. At this time, I think, \$500. It was \$450 last year, if I remember rightly, and it was raised to \$500.

Mr. VANDIVER. How long has it been since this schedule of salaries was fixed?

Mr. GARDNER of Michigan. As it is now?

Mr. VANDIVER. Yes.

Mr. GARDNER of Michigan. As they are in operation at the present time?

Mr. VANDIVER. Yes, sir.

Mr. GARDNER of Michigan. The 1st day of last July, the beginning of the fiscal year.

Mr. VANDIVER. Was there any material increase over what they had been before?

Mr. GARDNER of Michigan. I stated earlier—I think the gentleman from Missouri could not have been in—

Mr. VANDIVER. No.

Mr. GARDNER of Michigan. That last year there were 160 teachers—I gathered the figures hurriedly, and I may not be exactly accurate, but I think it is more rather than less—of the lower grades, and I mean by that teachers receiving lower compensation, materially advanced, and there were 12 teachers of the higher grades materially advanced, as from principals to superintendents, for example.

Mr. VANDIVER. Now, one other question. I think I shall not be charged with any disposition toward extravagance in any part of the Government, and I have always stood for economy, but I would ask the gentleman if he thinks that \$500 would secure the services of young men or young women sufficiently educated to render efficient service in the education of the children of this city?

Mr. GARDNER of Michigan. In reply to that I would say it either does secure them and has secured them in the past and put Washington well to the front in its public school system or else we have had a large number of lamentable failures.

Mr. McCLEARY of Minnesota. May I suggest a word in reply to the gentleman from Missouri?

Mr. GARDNER of Michigan. Certainly.

Mr. VANDIVER. I shall be glad to have the gentleman from Minnesota answer, because he is well qualified to speak on the educational question.

Mr. McCLEARY of Minnesota. Of course that is not understood to reflect upon my friend from Michigan?

Mr. VANDIVER. Not at all. I do not mean to reflect at all upon the gentleman from Michigan.

Mr. McCLEARY of Minnesota. The point I desire to make in reply to the gentleman from Missouri is this, that those who are receiving the \$500 salaries are young people who have just graduated from the normal school and are entering the work of teaching in the schools.

Mr. VANDIVER. How many of them are such?

Mr. McCLEARY of Minnesota. About fifty.

Mr. COCKRAN of New York. Receiving \$500? Did the gentleman say there are only fifty receiving \$500?

Mr. McCLEARY of Minnesota. I said there are about fifty that are graduated each year and receive \$500.

Mr. COCKRAN of New York. There are 349 receiving between five and six hundred dollars according to the figures of this very measure.

Mr. VANDIVER. According to that statement, then, three-fourths—

The CHAIRMAN. The time of the gentleman from Michigan has expired.

Mr. VANDIVER. I ask unanimous consent that his time be extended for five minutes more.

The CHAIRMAN. The gentleman from Missouri asks unanimous consent that the time of the gentleman from Michigan be extended five minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. GARDNER of Michigan. I yield to the gentleman from Minnesota to continue his reply.

The CHAIRMAN. The gentleman can not yield.

Mr. GARDNER of Michigan. It is simply to continue his reply.

Mr. McCLEARY of Minnesota. In answer to the gentleman from New York, I would say if he looks at the bill itself he will find that there are 60 of these salaries at \$500.

Mr. COCKRAN of New York. I said that there were 349 receiving between five and six hundred dollars.

Mr. McCLEARY of Minnesota. That is irrelevant. The question was, How many were receiving \$500?

Mr. COCKRAN of New York. There is a difference of only ten or fifteen dollars a year between some of them.

Mr. VANDIVER. I desire to extend the inquiry a little further. How many are receiving less than \$600?

Mr. McCLEARY of Minnesota. I have not made the computation, Mr. Chairman, but the gentleman from New York, I presume, has those figures.

Mr. COCKRAN of New York. Of those receiving less than \$600 there are 349.

Mr. McCLEARY of Minnesota. Six hundred dollars or less.

Mr. COCKRAN of New York. That number receive between five and six hundred dollars, and there are 393 receiving between six and seven hundred dollars.

Mr. VANDIVER. And that statement taken in connection with the other statement of the gentleman from Minnesota is a conclusion that at least three-fourths of that 349 must have been teaching in the schools for as long a time as two years, is it not?

Do you believe, then, that a young man or woman having graduated from the normal school and having taught two years is only worth \$600 a year? I say, if that is a fact, they are not worth anything. [Applause.]

Mr. GARDNER of Michigan. Now, as a matter of fact, the gentleman from Missouri [Mr. VANDIVER] ought to know, and I presume he does, that through the country at large the per cent that obtains here will be increased rather than lessened with the teachers who get less than \$600 a year in beginning their work, and they get less than \$500 and less than \$400. And I will say to the gentleman from Missouri [Mr. VANDIVER] that there are multitudes of graduates of colleges in this country, men and women alike, who begin with salaries of less than \$500 a year in what may be called ordinary vocations. The way is open before them, just as it is with the faithful and competent teacher.

Mr. VANDIVER. I want to say to the gentleman in reply that having been for several years connected with one of the educational institutions of Missouri and having had something to do with the employment and recommendation of teachers, if I had had before me a young man who had graduated at a State normal school and who had taught for two years in the public schools of Missouri and then could not command as much as \$50 a month I would have advised him to retire from his profession.

Mr. GARDNER of Michigan. Perhaps in some cases you ought to give him that advice. [Laughter.] As I said, to the young man who shows his qualifications and the young woman who shows her qualifications the pathway is open to the teachers' profession, just as in any other. That is why some of the young men and some of the young women have gone out from Washington, having demonstrated their superiority as teachers. They go from Boston; they go from Chicago.

Mr. HUGHES of New Jersey. Where do they go?

Mr. GARDNER of Michigan. They go to New York when they can not do any better, down to the city where my friend from New York [Mr. COCKRAN] lives. The trouble is that the gentlemen from New York are comparing everything with that great city and with the prices they pay there.

Mr. VANDIVER. I am only comparing the prices which they pay in Missouri, and I want to suggest to the gentleman, inasmuch as he has admitted that some of these ought to be advised to retire, and they can not get more than \$50 a month, and I would like to know if he thinks those now in the service of the public schools of this city—340 of them—can not command more than that, ought to be advised to retire from these schools?

Mr. GARDNER of Michigan. No; because I am not familiar with the teachers individually. It would be strange if there were not some. But leaving that out entirely, you will find in this city to-day, in the stores and in the offices, educated young men and women, as thoroughly educated as the average in our schools, receiving like compensation.

The difficulty here is that we compare everything with what is paid in the Departments. I do not say that it is wrong, but you will find stenographers and typewriters, competent ones, too, serving at five and six and seven dollars a week, and we pay them \$1,000 a year.

Mr. VANDIVER. I would like to employ one of those.

Mr. COCKRAN of New York. I would like to ask the gentleman from Michigan [Mr. GARDNER] a question.

The CHAIRMAN. Does the gentleman from Michigan [Mr. GARDNER] yield to the gentleman from New York [Mr. COCKRAN]?

Mr. GARDNER of Michigan. Certainly

Mr. COCKRAN of New York. I was about to ask in what Department you find graduates of colleges and men of special skill as typewriters and stenographers serving at \$7 a week?

Mr. GARDNER of Michigan. I will find them for you in the State of Michigan, sir.

Mr. GARDNER of Michigan. Well, that is very far away.

Mr. COCKRAN of New York. How is that? I did not catch the remark of the gentleman from New York [Mr. COCKRAN].

Mr. GARDNER of Michigan. That is unknown territory to most of us. I meant where in a proximate territory such conditions could be found.

Mr. COCKRAN of New York. It is not unknown to the gentleman from New York [Mr. COCKRAN], for we did not have a hall in the State large enough to hold those who thronged to hear him when he came there to speak. They may have shown very poor judgment on their part, but they were there just the same. [Laughter.]

Mr. GARDNER of Michigan. I do not wonder that my labors were ineffective if the view of the gentleman in regard to education is the opinion generally held in Michigan.

Mr. COCKRAN of New York. The State of Michigan never went more strongly Republican than it did after the gentleman from New York had been there advocating the Democratic doctrines.

Mr. GARDNER of Michigan. I think the gentleman from Michigan [Mr. GARDNER] will show that it is still more benighted with reference to educational matters.

Mr. COCKRAN of New York. May I say right there, that Michigan yields to no other, and especially not to New York, on the question of education—in her splendid university, her colleges, or her great system of public schools?

Mr. GARDNER of Michigan. Or her rate of payment—compensation to teachers?

Mr. COCKRAN of New York. No, sir; we pay our teachers well.

Mr. GARDNER of Michigan. Is it a full compensation, in his judgment, or do the teachers in Michigan go hungry from mere love of their profession?

Mr. COCKRAN of New York. The gentleman is bringing his well-known vocabulary talent in here again.

Mr. GARDNER of Michigan. Do I understand the gentleman to say now that the rate of compensation which he has just described as prevailing in Michigan is excessive or not?

Mr. COCKRAN of New York. No, sir; I state regarding the graduates of our schools that you can find many instances of graduates of the University of Michigan that stand on a par with the graduates from Harvard University, who began the teaching profession while they were young men at less than a thousand dollars a year.

Mr. GARDNER of Michigan. Well?

Mr. COCKRAN of New York. And you will find young women graduates of the university who begin the teaching profession at less than \$500 a year.

Mr. GARDNER of Michigan. Where?

Mr. COCKRAN of New York. Where? In Michigan.

Mr. GARDNER of Michigan. Now, where in Michigan?

Mr. COCKRAN of New York. Anywhere in Michigan.

Mr. GARDNER of Michigan. Are such salaries paid in Detroit?

Mr. COCKRAN of New York. Detroit is not Michigan.

Mr. GARDNER of Michigan. Perhaps it is somewhere else, I am not sure. [Laughter.] I would like to ask the gentleman from Michigan if in Detroit the rate of salaries paid to teachers is such as he has been describing here?

Mr. COCKRAN of New York. I want to say, in answering that, that in Michigan at the beginning teachers are not paid high salaries; this usage is based upon the principle of promotion and advancement, depending upon demonstrated ability and adaptability.

Mr. GARDNER of Michigan. At what rate? Does the gentleman realize what the range of promotion is for a teacher under this system?

Mr. COCKRAN of New York. The whole thing is here before you.

Mr. GARDNER of Michigan. I want to know if the gentleman has it before him, because I understand he is enlightening the House with a statement that while this rate of compensation is lower here than in any town or community he has named, yet here the teacher enjoys a prospect of promotion. Am I right?

Mr. COCKRAN of New York. I want to say that we had this same schedule in whole or in part last year, prepared for the specific purpose by some of the teachers of this city, of influencing the action of the committee. They came here with the

same prepared schedule, selected as to the cities for the purpose of making a comparison, and asking us to meet the conditions presented.

Mr. GARDNER of Michigan. Will the gentleman tell me the several places in this Union where persons began as teachers under \$500 a year?

The CHAIRMAN. The time of the gentleman from Michigan and the time of the gentleman from New York has expired.

The committee informally rose; and the Speaker resumed the chair.

#### THE IMPEACHMENT OF JUDGE CHARLES SWAYNE.

Mr. PALMER. Mr. Speaker, the managers of impeachment beg leave to report to the House that the articles of impeachment prepared by the House of Representatives against Charles Swayne, district judge of the United States in and for the northern district of Florida, have been exhibited and read to the Senate, and the Presiding Officer of that body stated to the managers that the Senate would take order in the premises, due notice of which would be given to the House of Representatives.

#### MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PARKINSON, its reading clerk, announced that the Senate had adopted the following order:

*Ordered*, That the Secretary notify the House of Representatives that the Senate is now organized for the trial of articles of impeachment against Charles Swayne, judge of the United States district court for the northern district of Florida, and is ready to receive the managers on the part of the House at its bar.

The SPEAKER. The committee will resume its sitting.

#### DISTRICT OF COLUMBIA APPROPRIATION BILL.

The CHAIRMAN (Mr. MANN). The Chair recognizes the gentleman from Missouri.

Mr. VANDIVER. Mr. Chairman and gentlemen of the committee, I have no desire to detain the committee except to make one reflection. I find from the statements made here that the salaries paid to over 300 teachers in the public schools of this city are less than \$600 a year.

It is also a fact well known to the Members of this House that day laborers in this city command at least as much as that; that employees of the Departments of the Government in the grade of laborers get \$50 and \$55 per month. And here we are appropriating money to pay the salaries of these teachers, presumed at least to be well educated, competent, faithful young men and women, at a rate of only \$50 a month. I say that there is but one branch of the public service in this city or in this Government that is underpaid, and that is the educational branch. Every other department of the Government pays ample salaries. What is the condition that makes it? It is a sad commentary on the intelligence, the patriotism, the fidelity of the Members of this House that people with a little political pull and no more competency, no more educational qualification for service, can get twice and three times as much salary. The school-teachers are the only people in the service of the Government, in my judgment, who are underpaid.

Mr. CALDERHEAD. Mr. Chairman, I will not detain the committee long, but this entire discussion about the value of the public schools and about the salaries of the teachers is a little aside from the important point in this appropriation.

The District of Columbia has a peculiar government, and by statute the Commissioners of the District are authorized to appoint the board of education, the board of education are authorized to select the teachers, and the Committee on Appropriations selects the salaries to be paid to those teachers.

Mr. GARDNER of Michigan. That is not quite correct. The salaries are arranged by another board, with which this committee has nothing whatever to do. We simply appropriate to meet the salaries as they are scheduled.

Mr. CALDERHEAD. What board makes this schedule? Do the District Commissioners make it?

Mr. GARDNER of Michigan. No, sir.

Mr. CALDERHEAD. Does the board of education make it?

Mr. GARDNER of Michigan. The superintendent, in connection with the teachers and the school board.

Mr. CALDERHEAD. And they come before this committee and make their suggestions?

Mr. GARDNER of Michigan. I can not give you the system in detail, but the recommendations are made by the school board and presented to the Committee on Appropriations, asking so much—

Mr. CALDERHEAD. I think I understand that correctly.

Mr. GARDNER of Michigan. And those recommendations are followed or not, as the committee thinks best.

Mr. CALDERHEAD. But the salary for each of these specific places is fixed by this Committee on Appropriations, and when

fixed they become statutory places, and the board of education, which ought to have direct control of the schools and of the salaries of the different positions, has nothing further to do with that.

The different positions named in this bill become statutory places, so that the board of education can not change the salaries named, or they would violate the statute. I do not know where the committee got jurisdiction of these things. There is not another city in the United States—not another one—where the board of education does not have entire jurisdiction of that matter and does not have the authority to say what the salary for each separate position shall be and authority to employ the teachers according to the labor and according to the qualifications desired.

Mr. GARDNER of Michigan. There is not another city in the country that says to some outside party: "Pay 50 per cent of our school money."

Mr. CALDERHEAD. That is true enough, Mr. Chairman. There is no other city in the country governed exactly as this is; but it is precisely because this city is governed by commissioners, and precisely because the people have no power to say anything as to the manner in which the administration of affairs shall be carried on, that I object to the Committee on Appropriations assuming that administration. They can not show any authority of law for it anywhere. There is no reason why the salaries of these separate positions should be suggested by the superintendent of the city schools, who may have a system of education of his own involved, and the Committee on Appropriations and the gentleman from New York, the gentleman from Michigan, and myself, be expected in a few minutes in an afternoon like this to ascertain whether it ought to be the law or not. Here is a city board of education, appointed by the Commissioners because of their qualifications for the place, who ought to be the judge of the salaries as well as the qualifications of the employees whom they select, and for that reason the amendment suggested by the gentleman from Vermont [Mr. FOSTER] is entirely proper. The amendment suggested by the gentleman from Vermont, it is estimated, would cost about \$40,000 a year more. It appropriates a lump sum of \$1,099,000, gives it to the board of education and authorizes them to employ the teachers and fix the salaries for the different schools and the different positions in the schools. Then the board of education could determine whether it was right to pay \$500 a year for three hours' teaching or right to require six hours' teaching for a salary of a thousand dollars a year.

Mr. GARDNER of Michigan. May I interrupt the gentleman?

Mr. CALDERHEAD. That is precisely what is done now. This bill fixes the salary of the position. The board of education is permitted to say who may be a teacher and who may not; the board of education is permitted to say who may be promoted, but it is not permitted to say what the salary of any teacher shall be in any school.

Mr. BAKER. Mr. Chairman, what is the underlying thought running through the extended but nevertheless very interesting colloquial remarks to which we have been treated by the gentleman from Michigan [Mr. GARDNER]? Its underlying thought is that there is room in this country at the top; that at the "top" great salaries, large emoluments, and tremendous rewards are obtainable. That does not surprise me, Mr. Chairman; it does not surprise me that the gentleman should take that attitude, extraordinary as to my mind it is, because it would seem merely to be carrying out the policy—to be the inevitable fruition of the policy—for which the party to which the gentleman belongs is responsible—that policy of taking care of the swift and the strong and leaving the poor, the weak, and the helpless to suffer as the result of giving benefits to the swift and the strong.

Neither this legislative Chamber nor any other in the world need worry itself about those who have got special ability. It need not worry itself about those people who can go to the top. If they have those characteristics in them, then they will get to the top; you need not offer them tremendous prizes in the form of tariff legislation; you need not offer them great rewards in the shape of fortunes to be obtained through land speculation; you need not offer them great prizes in the shape of ship subsidies. But just think of a legislative body, supposed to represent eighty millions of people, directing itself to the taking care of those who are perfectly able to take care of themselves. Your legislation is always against and bears with hardship upon those who are weak and helpless.

We are told there is room for promotion and advancement in this country, and the gentleman from Michigan [Mr. GARDNER] points to men who have gone from the Treasury Department to great salaries in New York. Mr. Chairman, is not that a sig-

nificant statement—that all the time men go from the Treasury Department to positions with great salaries with the large financial institutions in New York City? Isn't it a singular thing, isn't it a peculiar coincidence, that those who control these great financial institutions, the exponents of "frenzied finance," are always coming down here and putting their hands on your Treasury officials, Secretaries and Assistant Secretaries, and boosting them into places of large emoluments in New York? There is no connection between the promotion and the act of that individual before his promotion! Oh, no! Nor is it possible, of course, among New York's four millions of people to find men competent to fill such positions! Oh, no!

The gentleman says that there are prosperous times in this country, and we hear much of Republican policies that have brought prosperity to every man. And yet he says there are hundreds of thousands of people who are receiving less than \$500 a year and support families upon it. And that is called prosperity, I suppose. Prosperity! And that goes on in a country where one man in thirty years has accumulated as a result of your legislation, as a result of legislation in the interests of the swift and the strong, the cunning and unscrupulous, a billion of dollars. Just think of it! When you pass that legislation, when you confer special privileges, you create the very conditions to which the gentleman refers to, where stenographers are working for \$5 to \$7 a week, and he considers that an adequate wage.

Mr. Chairman, the legislation of this body should be for the great mass of the people and not for special interests or for special individuals. The prices paid to the teachers of this city are not adequate when you consider the great cost of living in Washington. Everyone knows that you can not live here in the city of Washington for anything like the cost that you can at home. It costs me more to live here than it does in Brooklyn. My expenses, to get anything like the same result, are easily 30 and 40 per cent more than they are in Brooklyn. The circular which has been prepared by the teachers shows, as I have stated, that the teachers of Washington are getting lower compensation, relatively, than in any of the large cities of the Union. With the possible exception of New York, probably there is no city where the expense of living is as high as in the city of Washington. The plea of economy is ridiculous when we consider that, as I said yesterday, there is a fund amounting to approximately a billion dollars—its land values—which almost entirely escapes taxation, although it is a communal fund—i. e., the joint product of the entire population here. If it were taken, as it should be taken, in taxation, not only could you easily double the salaries of school-teachers here, but it would not then be necessary to raise a penny of taxes from either buildings or personal property.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. KNAPP. Mr. Chairman, I ask unanimous consent that the time of the gentleman be extended for five minutes.

The CHAIRMAN. The gentleman from New York asks unanimous consent that the time of his colleague be extended five minutes. Is there objection?

There was no objection.

Mr. BAKER. Mr. Chairman, I have no desire to take up the time of the committee further. I thank the gentleman from Illinois all the same. [Laughter.]

Mr. McCLEARY of Minnesota. Mr. Chairman, I need hardly say that, having spent over twenty years of my life as a teacher, I am very reluctant indeed to insist upon the point of order, but my duty constrains me and I must do it, the point of order being that there is no authority of law for the salary proposed by the gentleman from New York [Mr. COCHRAN], that his amendment would change existing law and increase appropriations.

Mr. VANDIVER. Mr. Chairman, does the gentleman mean to take the position that this House has not the power to increase that salary if we choose to do so? Of course there is no law now requiring that salary to be paid. We are fixing the law when we pass this bill, and I hope the gentleman will not insist on that kind of a point of order.

Mr. COCKRAN of New York. Mr. Chairman, I would like to ask the gentleman from Minnesota [Mr. McCLEARY] if he contends that there is any law now fixing these salaries, or if they are fixed by annual appropriations from year to year?

Mr. McCLEARY of Minnesota. Mr. Chairman, the salaries are fixed from year to year by annual appropriation, and these appropriation acts are the acts of Congress and therefore law.

Mr. COCKRAN of New York. Then, Mr. Chairman, I most respectfully submit that the point of order can not be made against this amendment. If the salaries be mere appropriations from year to year, we must fix them affirmatively at each

session of Congress. Surely the gentleman does not contend that we are without the right to reduce these salaries? If we have not the right either to reduce or increase them, then what is the sense of submitting the appropriation to the House? The fact that the appropriation is before the House, that our assent is asked to making it, involves the fact that we must have the right to fix the amount of it, and to do that we must establish these salaries. If we have the right to fix them we must have the right to increase or diminish. If these salaries were fixed by law I concede, sir, we would have no right under the rules of the House to reduce them by a provision in an appropriation act, but where the act itself from year to year fixes the salaries the right to fix them annually is retained specifically by the House and must be exercised every time that such an appropriation is submitted.

The CHAIRMAN (Mr. MANN). The gentleman from New York [Mr. COCKRAN] offers an amendment changing the salary for the director of high schools. The gentleman from Minnesota [Mr. McCLEARY] raises a point of order. The amendment offered by the gentleman from New York would increase the salary. The only way in which the salary is now fixed, as the Chair understands, is by the current appropriation law. Logically it would be the opinion of the present occupant of the chair that the committee, if it have authority to appropriate for the salary at all, would have the authority to raise the salary for the ensuing year without regard to the current appropriation law; provided, of course, that no general law would prevent. But the precedents in the House and in the committee have been such as to construe the rule to the effect that the existing appropriation law fixing the salary of the official appropriated for is the law under which the committee operates, and that to increase that salary would be to change existing law. That may not be a logical position, however—

Mr. VANDIVER. Mr. Chairman, will the Chair permit me to interrupt long enough to ask a question? As I understand the gentleman from Minnesota [Mr. McCLEARY], he did not make the point of order that this would change existing law. That was not his point of order, as I caught it.

The CHAIRMAN. Well, the gentleman from Missouri [Mr. VANDIVER] did not understand the gentleman as did the Chair. The Chair will ask the gentleman from Minnesota.

Mr. VANDIVER. Mr. Chairman, may I ask that the reporter read from his notes what the gentleman's point of order was?

Mr. CHAIRMAN. The Chair prefers to ask the gentleman from Minnesota.

Mr. McCLEARY. Mr. Chairman, it was my intention to make the point that this changes existing law and increases the expenses.

Mr. COCKRAN of New York. Has the Chair concluded?

Mr. BARTLETT. Mr. Chairman, if the Chair has made up his mind I do not desire to say anything. I desire simply to call the attention of the Chair to one or two precedents in the matter, if the Chair has not already made up his mind how to rule.

The CHAIRMAN. The Chair was endeavoring to rule upon the point. The Chair will say that as an open question the Chair would consider the amendment proposed is in order. Still, in view of the decisions which have been made and sustained in the Committee of the Whole and in the House, the Chair is constrained to rule that the amendment is subject to a point of order. The Chair sustains the point of order.

Mr. COCKRAN of New York. Mr. Chairman, if the Chair allow me, I would like to take an appeal from its decision, and on that I desire to say a word.

The CHAIRMAN. The gentleman from New York appeals from the decision of the Chair.

Mr. COCKRAN of New York. Entirely apart from the merits of the pending amendment, which the committee is entirely competent to decide, I ask that this decision of the Chair receive very careful consideration. I ask the committee to realize the scope of this ruling. It practically strips this body of the most important power which it possesses. You have here a proposal by the committee having in charge appropriation for the support of the District of Columbia to make provision for the payment of teachers, and you are practically told that, so far as we are concerned, the function is an idle formality. If you can not increase salaries, you can not reduce them. If you can neither reduce nor increase them, what is there left that you can do? The whole function of appropriation becomes a mere formal assent to proposals which you can not alter. The committee enters this House, submits to you its estimate of expenses for the District, and announces that you can not change one of them. If an amendment be offered which meets the sense of this body, because the expenditures are either too great to be consistent

with the solvency of the Treasury or too low to be consistent with the efficiency of government, the Chair will rule that you can not even consider any amendment. The vast majority of appropriations are for fixed and permanent expenses. If you can not increase them, you can not diminish them, and if you can not do either you have no power of appropriation whatever. Mr. Chairman, I do not care how the rules of this House may have been construed in the past. I submit to this committee that the time has come now when it should assert its own power over appropriations. If this amendment be out of order, this committee, as a body controlling expenditures, might as well never sit. To me it is hardly conceivable that such a conclusion should be reached. I can not believe that we ourselves should hold ourselves so far shorn of importance, and, indeed, of existence, that when an appropriation is submitted to us we can not increase or diminish it.

The CHAIRMAN. If the gentleman from New York will pardon the Chair—

Mr. COCKRAN of New York. Perhaps I misapprehended the ruling of the Chair.

The CHAIRMAN. Whatever the logic of the position may be, it does not follow by the ruling of the Chair that there can be no decrease. Precedents are common to the effect that decreases may be made, whatever the logic may be.

Mr. COCKRAN of New York. Now, I ask the committee to observe that the Chair throws logic out of the window in order to reach this decision. We are told that the mind of the present occupant of the chair utterly rejects this conclusion as a logical mental operation. If it be not logical, it is not sensible, for the essence of logic is the triumph of sense. When the Chair declares the conclusion to be illogical which it reaches through regard for precedent, then, it seems to me, we should have a prompt and complete reversal of the rulings on which it is based. I submit to the committee the propriety, the urgency, of revising a ruling and interpretation which are illogical and contradictory—which construe a prohibition against any change of existing law in an appropriation bill so that you can not change existing law in one direction, but you can change it in another. That, it seems to me, is a position which this committee, with any regard for its own dignity or for sound legislative procedure, can not afford to sustain for a moment, and, therefore, entirely regardless of the merit of this amendment, against which the point of order is raised, I ask that the decision of the Chair be overruled.

#### MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. GARDNER of Michigan having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. PARKINSON, its reading clerk, announced that the Senate had insisted upon its amendments to the bill (H. R. 9548) for the allowance of certain claims for stores and supplies reported by the Court of Claims under the provisions of the act approved March 3, 1883, and commonly known as the "Bowman Act," disagreed to by the House of Representatives, had disagreed to the amendment of the House to the amendment of the Senate No. 2, had agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. WARREN, Mr. STEWART, and Mr. MARTIN as the conferees on the part of the Senate.

The message also announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 14623) to amend an act approved July 1, 1902, entitled "An act temporarily to provide for the administration of the affairs of civil government in the Philippine Islands, and for other purposes," and to amend an act approved March 8, 1902, entitled "An act temporarily to provide revenue for the Philippine Islands, and for other purposes," and to amend an act approved March 2, 1903, entitled "An act to establish a standard of value and to provide for a coinage system in the Philippine Islands," and to provide for the more efficient administration of civil government in the Philippine Islands, and for other purposes.

The message also announced that the Senate had passed without amendment bills of the following titles:

H. R. 16570. An act to amend an act entitled "An act to authorize the construction of a bridge across the Tennessee River in Marion County, Tenn.," approved May 20, 1902; and

H. R. 16450. An act to authorize certain changes in the permanent system of highways, District of Columbia.

The message also announced that the Senate had adopted the following order:

Ordered, That the Secretary be directed to notify the House of Representatives that the Hon. ORVILLE H. PLATT, a Senator from the State of Connecticut, has been appointed Presiding Officer on the trial of the impeachment of Charles Swayne, district judge of the United States for the northern district of Florida.

## DISTRICT OF COLUMBIA APPROPRIATION BILL.

The committee resumed its session.

Mr. CRUMPACKER. Mr. Chairman, I confess that I was somewhat surprised at the announcement of the Chair that this amendment was not in order. I am not familiar with the precedents to which the Chair referred, but upon principle it seemed to me that the amendment was clearly in order. The rules of the House forbid the Committee on Appropriations from reporting provisions that change existing law. If there were a law fixing the salary of the superintendent of schools and the salaries of the teachers, the Committee on Appropriations would have no right to report a bill increasing the salaries and no amendment would be in order that did increase a salary, but it is admitted here that there is no general law fixing those salaries. The only law is the current appropriation. The salaries are fixed for the current year by the appropriation that was passed at the last session of Congress. Now, that is only for the current year. There is no law fixing the salaries for the fiscal year beginning the 1st day of July, 1905, and the question the committee has to determine is what shall be the salary of the superintendent and of the teachers, not for this year, because that is already fixed, but for the next year when it is conceded that there is no law fixing the salaries for that year. It seems to me, Mr. Chairman, that there is no question about the principle; there is no question in the logic of the situation about the validity of this amendment. I do not know what the precedents may be. Of course the Chair knew when he made the ruling, but I believe, with the gentleman from New York, that if there is a line of precedents that is illogical, that is wrong, that takes from the Committee of the Whole House on the state of the Union the power to revise bills presented by a committee, its organ, its creature, that that line of precedents ought to be overthrown and that the Committee of the Whole, with all due respect to the decision of the Chair, ought to overrule that decision and establish a rational precedent. [Applause].

The CHAIRMAN. The Chair will say to the committee that whatever impression the present occupant of the chair might have of the question as an original proposition, he has felt constrained to follow the plain direction of the precedents. It is not a new question, having been ruled on several times. The Chair will refer to only one decision, although there are many to the same effect. On January 14, 1903, the Chairman of the Committee of the Whole House, Mr. OLMSTED, made this ruling:

The Chair understands the gentleman from Pennsylvania to say, and it is assumed to be the fact, that in the current appropriation law this position is provided for at a salary of \$840 per annum. Now, the gentleman from Massachusetts [Mr. THAYER] proposes to increase that amount to \$1,000. The point of order made by the gentleman from Pennsylvania appears to have been frequently ruled upon, and the Chair will call attention to the statement on page 349 of the Manual, that in the absence of the general law fixing a salary the amount appropriated in the last appropriation bill has sometimes been held to be the legal salary, although in violation of the general rule that the appropriation bill makes the law only for the year.

Then the Chair went on:

That proposition has been frequently sustained. It was declared by Mr. Blount, Chairman of the Committee of the Whole in the Fiftyeth Congress, and, upon appeal from the ruling of the Chair, was sustained. It was followed twice in the Fifty-seventh Congress, once in the first session and again in the second session, Mr. GROSVENOR in the chair. If it were a new question the present occupant of the chair might be inclined to hold otherwise, but in view of the repeated rulings feels constrained to sustain the point of order.

The present occupant of the chair can do no more than cite a precedent of this kind.

The question is, Shall the decision of the Chair stand as the decision of the committee?

The question was taken; and the Chairman announced that he was in doubt.

On a division there were—ayes 73, noes 77.

Mr. McCLEARY of Minnesota demanded tellers.

Tellers were ordered; and the Chair appointed Mr. McCLEARY of Minnesota and Mr. COCKRAN of New York.

The committee divided; and the tellers reported—ayes 97, noes 82.

Accordingly the decision of the Chair was sustained.

Mr. FOSTER of Vermont. Mr. Chairman, I now offer the amendment which I sent to the Clerk's desk some little time ago. I think it should be offered at this time.

The CHAIRMAN. The gentleman from Vermont [Mr. FOSTER] offers an amendment, which the Clerk will read.

The Clerk read as follows:

Strike out from line 6, on page 34, to line 24, on page 36, inclusive, and substitute the following: "For teachers, \$1,099,000."

Mr. McCLEARY of Minnesota. Mr. Chairman, I reserve a point of order.

The CHAIRMAN. The Chair will suggest to the gentleman

from Vermont [Mr. FOSTER] that the matter he proposes to strike out has not yet been read; and as it occurs in a number of different items, the Chair will suggest that the gentleman ask unanimous consent to offer his amendment now.

Mr. FOSTER of Vermont. Mr. Chairman, I ask unanimous consent to offer the amendment.

The CHAIRMAN. The gentleman from Vermont [Mr. FOSTER] asks unanimous consent that he may offer at this place the amendment which the Clerk will again report.

The Clerk read as follows:

Strike out from line 6, on page 34, to line 24, on page 36, inclusive, and substitute the following: "For teachers, \$1,099,000."

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none. The gentleman from Minnesota [Mr. McCLEARY] reserves a point of order on the amendment.

Mr. FOSTER of Vermont. Mr. Chairman, it does not seem to me that the point of order to my amendment indicating a change of salaries for teachers is well taken. There is nothing in it relating to salaries of the teachers whatever. We appropriate money for the support of the schools. It does not seem to me, therefore, that the point of order is well taken. I think, too, that there is a distinction. I am not sure, Mr. Chairman, but that this question I am about to suggest was determined by you, but it does seem to me that there is a particular distinction between cases of this kind and the ordinary questions of salary which we have to consider.

The CHAIRMAN. The Chair will hear the gentleman from Minnesota [Mr. McCLEARY] on the point of order.

Mr. McCLEARY of Minnesota. Mr. Chairman, the existing law specifies the salaries. The amendment offered by the gentleman from Vermont does not; but in place thereof proposes an aggregate which in itself is larger than the amount under existing law.

The CHAIRMAN. May the Chair ask the gentleman from Minnesota whether there be any existing law, except the appropriation law, providing specifically for the teachers, as described in the pending bill?

Mr. McCLEARY of Minnesota. There is no other law than the appropriation bill.

The CHAIRMAN. The Chair is ready to rule.

Mr. McCLEARY of Minnesota. Very well.

The CHAIRMAN. It seems perfectly plain to the Chair that in the absence of specific legislation providing for a specific number of different classes of teachers that it is entirely within the province of the committee to make a lump sum appropriation, instead of dividing it up into specific appropriations; and if the committee has authority to make appropriations for the director of the high school specifically, it has authority to appropriate the money without specifying what specific teachers shall have the money. The Chair therefore overrules the point of order.

Mr. FOSTER of Vermont. Vote.

Mr. McCLEARY of Minnesota. On the merits I desire to be heard.

Mr. FOSTER of Vermont. Certainly; I did not know there were any merits on your side.

Mr. McCLEARY of Minnesota. Mr. Chairman, the gentleman's proposition has been tried and found wanting. That is the essence of the matter.

Until some five or six years ago the appropriations for the schools were made in a lump sum. We were having complaints continually that the discretion left in the board of education was being used to the advantage of persons having powerful friends and to the disadvantage of persons lacking those friends.

Moreover, there was a well-founded general policy against the appropriation of lump sums, and in favor of making appropriations as specific as possible, to the end that the House may have them within its control, so far as possible.

For these two general reasons the Committee on Appropriations made this separation into classes.

It was then found that the evident intent of the Congress was being evaded by taking from one person's salary and adding to another person's salary. Thus a person nominally having a salary of \$800 a year had that salary decreased by \$50, and some other person nominally having a salary of \$800 had that salary increased by \$50; so that favoritism continued. Hence a few years ago Congress passed a law that hereafter there should be no such thing as that—that the salary of one person should not be diminished for the benefit of another person.

Mr. STEPHENS of Texas. Will the gentleman allow me to ask him a question?

Mr. McCLEARY of Minnesota. In a moment, if my friend will pardon me.

Last year, and for the two or three years preceding, since

the establishment of the kindergarten schools, we had something of the same trouble. Until this last year we appropriated a lump sum for the kindergarten, and we were hearing complaints of this and that and the other persons receiving favors at the expense of others who had less influential friends. The result was we have put in this bill the specific salaries for the kindergarten division of the public school service.

Mr. STEPHENS of Texas. I desire to ask whether or not all the teachers do not receive the same salary; that is, the ordinary teachers in the schools all receive the same salaries?

Mr. McCLEARY of Minnesota. They grade all the way from \$500 up to \$4,000. As the gentleman can see by examining the bill, there are a certain number of teachers in each grade. Those of the lowest grade receive \$500, the next \$525, and so on, and the number of teachers that are to receive each salary is specified.

Mr. STEPHENS of Texas. And the proposition is now to give a lump sum, so that the District Commissioners can distribute it among all the teachers?

Mr. McCLEARY of Minnesota. The proposition of the gentleman from Vermont [Mr. FOSTER] is to make a lump-sum appropriation, and leave the school board to determine what each teacher shall receive.

Mr. STEPHENS of Texas. Can we not repeal the law that is in force now?

Mr. McCLEARY of Minnesota. Well, the Chair has just decided on the point of order. That is the point of order I raised.

Mr. STEPHENS of Texas. But what would be the effect?

Mr. McCLEARY of Minnesota. The effect would be to return to the condition which we were under for years, placing the fixing of salaries in the control of the board of education, instead of retaining it in the discretion of Congress. We still leave, Mr. Chairman, to the board what we regard as ample discretion. Take, for instance, this law now. It proposes an increase of fifty teachers to meet the increased demand upon the school system.

The CHAIRMAN. The time of the gentleman has expired.

Mr. McCLEARY of Minnesota. I ask unanimous consent that my time may be extended for five minutes.

The CHAIRMAN. The gentleman asks unanimous consent that his time be extended five minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. McCLEARY of Minnesota. Take the fifty teachers that are to be added for the service this year to meet the increased demands upon the service. Seven of them come in at \$1,000, three at \$950, four at \$900, six at \$800, nine at \$750, eight at \$700, five at \$650, and eight at \$600. Now, then, the effect of that is to afford opportunity for promotions to be made, and within the limitations prescribed here the location of the respective teachers is still in the hands of the board of education.

We believe, Mr. Chairman, that, with these salaries classified by groups, a reasonable discretion is left with the board of education, and we do not believe it would be wise to return to a plan which we tried, and which we discarded because it was not working satisfactorily.

Mr. GARDNER of Michigan. Mr. Chairman, I should like to add just a word to what the chairman of the subcommittee has said before gentlemen vote, in order to emphasize the danger of favoritism.

It was a matter of common notoriety a few years ago that great favoritism was manifested on the part of the board toward certain teachers. Scandals developed and an investigation was ordered. That was one of the things which led to it, and as a result of that investigation the entire board was dismissed. It is well known to gentlemen here that perhaps in no city in the country can teachers bring such powerful and effective influence to bear upon members of the board as in Washington. This I understand to be a statement of fact, that even after the present classified rate was fixed the board in some cases took from the salary of one teacher to add to the salary of another teacher. It opens a wide field for favoritism in the distribution of a million dollars. Experience in the past has proven that it was not a wise thing to do. As the chairman has said, there are comparatively no complaints under the present system, while there were many under the former. Do we want to leave that which has proven to be good and take up that which has been demonstrated by experience to be evil?

Mr. COWHERD. I should like to ask the gentleman a question.

The CHAIRMAN. Does the gentleman from Michigan yield to the gentleman from Missouri?

Mr. GARDNER of Michigan. Certainly.

Mr. COWHERD. Mr. Chairman, as I understand the situation, we were unable to increase the salaries of the teachers, be-

cause it was against the rules of the House. Now, here is a proposition to appropriate a lump sum, and if I understand the objection which gentlemen make, it is the danger of favoritism, and so forth. I want to ask the gentleman if, in the opinion of the Committee of the Whole, these salaries should be increased and this amendment should carry, can not his committee in conference arrange the matter as it ought to be, without leaving it open to the danger of favoritism?

Mr. HEMENWAY. Why, no; not if this is stricken out. If the gentleman will permit, I will answer the question: No; it can not be done. And if the gentleman will permit me, I should like to ask the question, Does the gentleman from Missouri [Mr. COWHERD] believe that we ought to appropriate a lump sum and turn it over to the Secretary of the Treasury to fix the salaries of the employees under him?

Mr. COWHERD. Mr. Chairman, I believe that this House ought to increase the salaries of these teachers, but we have been unable to do it because we seem to run up against a rule of the House. Now, I think, Mr. Chairman, that we can appropriate a lump sum, and if the gentlemen on that committee believe that instead of going in in a lump sum there ought to be an arrangement fixing the salaries, I think they will find a way to do that before the bill finally comes back to the House.

Mr. HEMENWAY. Let me suggest to the gentleman from Missouri that he is a member of the Committee on the District of Columbia, which reports District legislation to this body. If the gentleman believes that the salaries of school-teachers in the District of Columbia ought to be increased, why does not his committee report a bill to this House increasing those salaries and get it passed here?

Mr. COWHERD. As I understand it, that committee has never had charge of this matter nor has it been before that committee in any way. It has always been done through the committee of which the gentleman from Indiana [Mr. HEMENWAY] is the chairman, and that committee not only legislates on this matter, but legislates on nearly everything else for the District of Columbia. It is only when the House wants to do something that the gentleman opposes that we hear the suggestion that the District Committee ought to legislate.

Mr. HEMENWAY. Then why does not the gentleman's committee perform? Why does it not recommend?

Mr. COWHERD. Because the gentleman's committee performs. [Laughter.]

Mr. HEMENWAY. Because the gentleman comes in here constantly and undertakes to say, "My committee has failed to perform, and it is the duty of the Committee on Appropriations to take it up."

Mr. COWHERD. That is a duty that never has been before the Committee on the District of Columbia. The Commissioners furnish their estimates to the Appropriations Committee, and the District Committee therefore would, in the ordinary course of business, know nothing about it.

Mr. GARDNER of Michigan. Mr. Chairman, this is not a matter of legislation, but of administration. How shall this appropriation of a million and more of dollars be handled in the arrangement of the salaries of the various teachers and for incidental expenses? Shall it be placed where favoritism can manifest itself toward this or that or the other teacher, and where powerful influence in the House or elsewhere in the city can be brought to bear in favor of one teacher not one whit more worthy than another? As has been said before, that method has been tried and resulted in scandals and a shameful abuse of the trust imposed.

The present method has been tried and has been free from these objections. Is it not better to follow that which experience has taught us avoids these things?

The CHAIRMAN. The time of the gentleman from Michigan has expired.

Mr. CLARK. Mr. Chairman, the House seems to be sewed up in a sack on this subject. [Laughter.] The majority of Members want to increase the teachers' salaries. There is no question about that. The gentleman from New York [Mr. COCKRAN] offers an amendment to increase the salaries, and the Chair rules it out on the point of order that it is new legislation on an appropriation bill. The Chair was, according to the precedents of many years, right in his ruling. I am in favor of paying teachers adequate salaries, but I am not sufficiently in favor of that to break down the most salutary rule there is in the House. The rule which was invoked, as construed by the Chair, constitutes a bulwark against a constant raid on the Treasury. So much for that.

I have a right to talk about school-teachers. I married a school-teacher. I began as a school-teacher myself before I was 15 years old.

A MEMBER. On what pay?

Mr. CLARK. Thirty dollars a month.

A MEMBER. Did you earn it?

Mr. CLARK. I never received a dollar from any source in my life that I didn't earn [laughter], and I never had a dollar that I didn't earn.

Mr. BAKER. I want to ask the gentleman what the expenses of living were when he got \$30 a month?

Mr. CLARK. The \$30 a month which I received was for teaching school in a backwoods portion of Kentucky in the early days. The public school system in Kentucky has been immeasurably improved within the last thirty years, and I congratulate the State of my birth upon it. Thirty dollars a month was not as much as I was entitled to when I began teaching school, when I was not 15 years old. One thousand four hundred dollars a year was not as much as I was entitled to when I received it as president of a college, when I was 23 years old. Until 1902, so far as I know, no man in the United States had ever been president of a college at an earlier age than I. A little while ago a man in my district only 22 years old walked off with the honor. [Laughter.] I congratulate him.

There is another reason why I have a right to talk about this business. Missouri has the largest available per capita school fund of all the States in the American Union. [Applause.] That is one of her chief titles to the favorable consideration of mankind. In addition to that we vote a large amount of money out of our individual pockets in the various districts every year. I never failed to vote for the highest school tax in my district, even before I had children of my own to educate.

Now, let us come down to this proposition that is pending here. I said that we seem to be sewed up in a sack. When the gentleman from New York [Mr. COCKRAN] wants his amendment considered, it is ruled out on a point of order. When the gentleman from Vermont [Mr. FOSTER] offers his amendment to appropriate in gross a little larger sum than the total of teachers' salaries provided for in the bill, to be apportioned by the school board, the gentlemen of the committee say it is impracticable, because favoritism will be shown by this school board. Mr. Chairman, that is the strongest argument I have heard in the House for the last four years in favor of Congress absolutely unloading the business of the District of Columbia. If the people of this District could elect their own school board [applause], as people everywhere else in the country do, they would elect a school board that would never show favoritism more than one term. At least favoritism would be reduced to the minimum. Then the people of the District of Columbia would have the remedy in their own hands.

I do not know that I can rig up a resolution that would pass the House or get through Congress that would enable the people of this District to elect a school board. But the debate that has gone on here to-day has demonstrated, among other things, that we are not fit to sit as a school board for the District of Columbia. The two gentlemen from New York [Mr. COCKRAN and Mr. BAKER] naturally measure what the teachers ought to be paid in Washington by what they receive in New York. The gentleman from Michigan and myself and the rest of us from the rural districts naturally, when we come to consider District of Columbia matters, take into consideration the conditions of life under which we live, and while we live in the best part of the Union [laughter] it does not cost as much to live out there as it does in the city of New York; perhaps it costs more to live in the city of New York than it does here, though this is rather an expensive place in which to live. [Laughter.]

But, Mr. Chairman, I happen to know the president of the school board in the city of Washington, Gen. Henry V. Boynton, and I do not believe that a finer or more honorable gentleman walks the streets of this city than he; and I do not believe he will show any favoritism, or permit it to be shown, while he has anything to do with it.

Mr. HEMENWAY. Has the gentleman from Missouri consulted General Boynton to find out whether he would like this change?

Mr. CLARK. No; I have not consulted General Boynton. I do not really know what he wants about it, but the fact that I deem him one of the finest gentlemen that walks the streets of Washington would not bind me to blindly accept his opinion, even if I did know it.

What I say is this: If this lump sum were turned over to him, as the gentleman from Vermont [Mr. FOSTER] wants it done, as far as lies in his power General Boynton would see to its proper distribution.

Mr. GARDNER of Michigan. Mr. Chairman, may I suggest to the gentleman that General Boynton is not the whole board?

Mr. CLARK. I know that.

Mr. GARDNER of Michigan. He has six associates, and whether or not these will be able always to act intelligently with fourteen hundred and forty teachers whose special influence was back of this one and unknown to the other, and yet bringing it to bear, is a serious question.

Mr. CLARK. That may be true, Mr. Chairman, but we have to take into consideration in everything we discuss the selfishness of human nature. I do not know that this Foster amendment is the very best thing that can be done. I think the Cockran amendment was a better amendment than the Foster amendment, but we can not get the Cockran amendment, and if we can get votes enough we can get the Foster amendment.

Mr. HEMENWAY. Mr. Chairman, I know the gentleman is anxious to increase these salaries, but can this House afford to fix such a precedent? Here are salaries fixed by the House, have been fixed by the House heretofore; and can we afford to say that we will turn a lump sum of money over to a school board, or to any other official in the city of Washington, and take away from the House the power to regulate these salaries, turning it over either to the school board or to the Secretary of the Treasury with his force, or to any other head of a Department? The House can not afford to do it, and I do not think the gentleman from Missouri will say that it can.

Mr. CLARK. This bill does take it absolutely away from this House.

Mr. HEMENWAY. Oh, no; it is reported by a committee of this House and under the rules of this House.

Mr. CLARK. I know, but we have our hands tied in just this way.

Mr. HEMENWAY. Yes; and the gentleman has suggested a moment ago that that is the safeguard of the House.

Mr. CLARK. Mr. Chairman, I know that rule is all right. I am not disputing that with the gentleman, but let us see about lump sums. The other day we passed the army appropriation bill, and I tried my best to find out the specific items of appropriation in that bill, but could not. There were appropriated over \$3,000,000 in one lump sum for a thousand different things.

Now, the debate that went on here, a short debate, between my colleague, the gentleman from Missouri [Mr. COWHERD], and the gentleman over on that side illustrates the difficulties of the whole situation. The committee of the gentleman from Missouri [Mr. COWHERD] is the Committee on the District of Columbia. It has no power over this matter, but it ought to have. If the chairman of the District Committee is to be known as the mayor of Washington and his colleagues as lieutenant mayors, I suppose—

Several MEMBERS. Oh, the board of aldermen.

Mr. CLARK. Well, aldermen—they ought to have some power over the thing.

Mr. McCLEARY of Minnesota. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Missouri yield to the gentleman from Minnesota?

Mr. CLARK. Yes.

Mr. McCLEARY of Minnesota. Does the gentleman mean to assert soberly that if he himself or the gentleman from Missouri [Mr. COWHERD], or any other gentleman who might be interested in the matter, should introduce a bill fixing the gradations of salaries in the schools of Washington, that that bill would go anywhere else than to the Committee on the District of Columbia?

Mr. HEMENWAY. That is where it would go, and where it belongs.

Mr. CLARK. I assert that he asserted, and I believe he asserted what is correct—

Mr. COWHERD. No, Mr. Chairman, I said that the matter never had come before that committee, and in the course of business never does come before the committee, because it is like all these matters of appropriation. The District appropriation comes from that committee; it always originates there.

Mr. HEMENWAY. If the gentleman will pardon me, if a bill were introduced by any Member of this House to regulate these salaries, it would go to the Committee on the District of Columbia, which committee legislates for the District of Columbia, and the bill could come back to the House, and if the House by legislation fixes the salaries, then the Committee on Appropriations has no power to change them.

Mr. COCKRAN of New York. Mr. Chairman, may I ask the gentleman from Indiana a question right there?

Mr. BABCOCK. Mr. Chairman, it has been stated by the distinguished member of the Committee on Appropriations, the gentleman from Michigan [Mr. GARDNER], that this was not a legislative matter, but an administrative matter.

Now, Mr. Chairman, this subject has never been before the

District Committee during the twelve years I have been a Member of this House, and I want to suggest here, so as to be clearly understood, that the method is not that the Committee on Appropriations makes these salaries. They do in the end, but this list is submitted first by the board of education to the Commissioners and then the Commissioners furnish a list in their bill to this committee. Now, the committee may reduce or increase it as individual cases may be, but this list of salaries comes from the board of education originally and is a matter of appropriation and has been treated as such for years and years in the House.

Mr. CLARK. Mr. Chairman, here we are in this ridiculous position: We pay policemen to crack people's skulls more than we pay school-teachers to improve the inside of their skulls. [Applause.] I am opposed to any such system.

Everybody in the House who knows anything about it knows that I am in favor of economy wherever economy is proper; but the poorest economy in the world is to employ an incompetent teacher at any price, and competent teachers will not teach long for inadequate wages. I believe that the public school teachers of the city of Washington are the only people with whose employment the Government has anything to do who are not paid enough. I believe that you can turn out every officeholder in the United States, from the President down to a janitor, and in two weeks replace the whole aggregation with men who are just as competent as they are in ordinary official duties; but Horace said, "Poeta nascitur, non fit." The same is true of school-teachers—they are not made, they are born. The most delicate machine in the world is the human mind, and as far as I am concerned, I do not want a bungler practicing on the minds of my children, dwarfing and warping them for all time to come. One trouble with the school system in the United States is that for some reason or other it is considered by the people who engage in the occupation of teaching as a temporary calling, as a mere stepping-stone to something else.

I have not gone through the Congressional Directory and read its autobiographies in reference to this point, but I would be willing to risk my head on the proposition that a majority of all the men sitting in both Houses of Congress began their public careers as school-teachers, and, what is more, that there is not one out of ten, not one in a hundred, who are in the House or who are in other desirable employment who intended to remain school-teachers when they were school-teachers. The profession of teaching in this country ought to be so improved that young men and women of the finest intellectual capacity will be willing to enter it with a determination of making that their life profession; and you will never get the best results out of the money expended for educational purposes until that is done [applause], and therefore I am in favor of this amendment. Let them try the experiment.

The chief reason for the expense of running the other Departments of the Government is on account of the supernumeraries there are in all of them. There are twice as many doorkeepers right here now as there is any sense in having. There are twice as many pages on the floor of this House as we have any use for. There are three times as many policemen around this Capitol as have any business around here, and I have no hostility to policemen, either. [Laughter.] There are more policemen taking care of this Capitol building and of the Congressional Library than there are, all told, in some cities with 10,000 or 15,000 inhabitants. The supernumeraries run up the expense account in the Departments. And you can not get rid of one of them, to save your soul, while he is living.

I intend to introduce a resolution here which will read something like this: That hereafter when any Government employee below the rank of chief of division dies, resigns, or is bounced, that his place shall remain vacant and shall not be filled until the number of employees in that Department has been reduced by 33½ per cent.

Mr. HEMENWAY. I want to ask the gentleman from Missouri [Mr. CLARK] that if there was a lump sum appropriated, and no way of ascertaining the number of employees, how the gentleman would enforce such a rule?

Mr. CLARK. I would not vote a lump sum.

Mr. HEMENWAY. But that is what the gentleman is asking to do now, and to thereby vote down the only safeguard that we have.

Mr. CLARK. I will ask the gentleman what caused him to vote for that lump sum of \$3,000,000 in the army bill the other day?

Mr. HEMENWAY. I did not happen to be here.

Mr. CLARK. But you would have voted for it if you had happened to be here. [Laughter.]

Mr. HEMENWAY. What was the lump sum?

Mr. CLARK. My recollection is that it was \$3,000,000.

Mr. HEMENWAY. What was it for?

Mr. CLARK. It included their pay, their subsistence, and towels, and blacksmithing, and everything you can think of.

Mr. HEMENWAY. The gentleman from Missouri knows that the rate of pay in the Army is fixed by law, that the Secretary of the Treasury can not take a lump sum of money and undertake to fix Tom, Dick, and Harry up to suit himself. And I can not believe the gentleman when he states the majority would be willing to delegate to anybody the power to take a lump sum of money and break down a schedule and allow them to pay to different people any sum that they saw fit to pay out of a lump sum. It is not good legislation, and I do not believe that this House will stand for it.

Mr. HULL. One item in the army bill carried \$12,000,000.

Mr. CLARK. What was that?

Mr. HULL. For the transportation of army supplies. But it specified exactly what it would be spent for and in all the different items making up the appropriation, and they could not use that lump sum to go outside of the items that were specified. The gentleman will remember also that when it came to the pay it was segregated, so that the pay of the enlisted men was fixed at certain sums, the pay of officers at certain sums, and staff officers as well, and there was no lump sum appropriated that placed one particle of discretion in an officer of the War Department.

Mr. HEMENWAY. That is my understanding also.

Mr. CLARK. I asked a question of the gentleman from Iowa [Mr. HULL] when that bill was up about that \$3,000,000 item. At least I think the item was \$3,000,000.

Mr. HULL. The question of the gentleman, as I remember it, was as to what one of those specific items amounted to.

Mr. CLARK. Well, here you are; I will read:

Continuing the work of providing for the proper shelter and protection of officers and enlisted men of the Army of the United States lawfully on duty in the Philippine Islands, including the acquisition of title to building sites when necessary, and including also shelter for the animals and supplies, and all other buildings necessary for past administration purposes, \$230,000.

Now, that is one item.

Mr. HULL. That does not give them any discretion beyond what they now have.

Mr. FOSTER of Vermont. Does the gentleman think that applies to this bill?

Mr. HULL. I am not talking about this bill. I am talking about the army bill.

Mr. FOSTER of Vermont. I knew you were on our side.

Mr. HULL. I do not know that I am.

Mr. CLARK. The chairman of the Committee on Military Affairs has volunteered his services.

Mr. HULL. I wanted to correct the gentleman.

Mr. CLARK. Now—

For continuing the work of providing for the shelter and protection of officers and enlisted men of the Army of the United States lawfully on duty in the Philippine Islands, including the acquisition of title to building sites when necessary.

Now, who has the right to determine that?

Mr. HULL. That is for a post, after the War Department determines where it is to be located.

Mr. CLARK. They have discretion, then?

Mr. HULL. They have in the location, but not in the use of the money. In other words, if it is determined that a post is necessary for the shelter of the Army or the animals of the Army, and there is no place in that part of the province that has been selected, they can select a post at the most advantageous site. That is all.

Mr. CLARK. Who determines how it is to be paid for, out of the particular fund?

Mr. HULL. They determine.

Mr. CLARK. Why, certainly. What difference is there between determining that and the board of education determining the salaries?

Mr. HULL. What I was trying to do was to correct the gentleman about placing in their hands a lump sum to do as they please. That is all.

Mr. CLARK. And therefore you jumped in without studying the question.

Mr. HULL. Oh, no. The trouble is the gentleman does not understand what he is talking about.

Mr. HEMENWAY. I want the gentleman to understand me. I say that they can not fix the salaries out of a lump sum; that the salaries of the Army are fixed, and on that question there is no doubt.

Mr. CLARK. Well, I admit that that was a slip of the tongue. I want to read this thing here for your information. Now, listen to it:

Incidental expenses: Postage; cost of telegrams on official business received and sent by officers of the Army; extra pay to soldiers employed on extra duty, under the direction of the Quartermaster's De-

partment, in the erection of barracks, quarters, and storehouses, in the construction of roads, and other constant labor for periods of not less than ten days, and as clerks for post quartermasters at military posts, and for prison overseers at posts designated by the War Department for the confinement of general prisoners; for expenses of expresses to and from frontier posts and armies in the field, of escorts to paymasters and other disbursing officers, and to trains where military escorts can not be furnished; expenses of the internment of officers killed in action or who die when on duty in the field, or at military posts or on the frontiers, or when traveling under orders, and of noncommissioned officers and soldiers.

And then it goes on for two pages more of all sorts of things, with the different items, and winds up with this lump sum of \$2,000,000.

Mr. GAINES of West Virginia. Will the gentleman permit me?

Mr. CLARK. Yes, sir.

Mr. GAINES of West Virginia. Is it not well enough that a lump sum should be given for military affairs for items that can not be foreseen?

Mr. CLARK. I do not know whether that is true.

Mr. GAINES of West Virginia. Does not the gentleman from Missouri draw a distinction between these items, such as incidental and occasional hiring of places for quarters and the salaries of school-teachers? The army officers can be known. Now, does he not see that it is necessary in the army appropriation bill sometimes to have a lump sum for such items as can not be foreseen?

Would it not be a bad policy either in the army bill or in a bill of this sort to permit an amount of money to be appropriated in a lump sum for officers and then leave somebody else to determine in what proportion they shall be paid?

Mr. CLARK. That is about all I want to say about it.

Mr. FITZGERALD. Will the gentleman permit me to ask him a question?

Mr. CLARK. Certainly.

Mr. FITZGERALD. Is it not a fact that there is in this very bill a provision changing from per diem compensation a number of employees who heretofore have been paid out of the general appropriation, but who are now to be paid salaries, and those per diem salaries were fixed by the heads of their departments?

Mr. CLARK. Yes; I think that is true.

Mr. BOWIE. Is it not true that boards of education in nearly all the cities in this Union, and also in counties, fix the salaries of school teachers?

Mr. CLARK. Why, certainly it is true.

Mr. BOWIE. Could not the board of education in the city of Washington be trusted just as much as boards of education all over the United States?

Mr. CLARK. My contention about the whole thing is this, with all due respect to everybody who is here—I think the average intelligence of this House is very high in a general way, and we are nearly all specialists in some line or other—the trouble is that we do not know enough about the educational conditions in the city of Washington, or have information enough to fix these salaries, and the power to do so ought to be delegated to the people who live here, who have an interest in it; because there is not a man, woman, or child resident in the District of Columbia, whether as public official or private citizen, who is not deeply interested in making the Washington public schools of just as high an order of efficiency as may be had in the whole country.

Mr. GARDNER of Michigan. Mr. Chairman, I would suggest to the gentleman from Missouri that his argument by analogy, in reference to the Army, is borne out exactly in reference to the schools of the city of Washington in this, that you say a lump sum was appropriated and therefore a lump sum may be appropriated here in this city for the public schools. Out of the moneys appropriated for the maintenance of the public schools in this city, \$50,000, in round numbers, is appropriated in a lump sum to purchase supplies. That which can not be figured out in advance is turned over to the school board to do as in their judgment seems best, just what the Congress did the other day, in its wisdom, with reference to the Army.

There are certain things that can not be specified in advance; that can not be foreseen; that can not be provided for in detail. We must trust somebody. We give them this money and hold them to an accounting; but Congress fixes the salaries of officers in the Army, the pay of the men in the ranks, and the pay of the noncommissioned officers, and votes a lump sum for other things which can not be determined in advance. This committee and this House fix the salaries of the teachers, and, by analogy, we vote a lump sum for supplies and other incidental expenses. The analogy between the two is perfect, and the argument of the gentleman from Missouri [Mr. CLARK] fails, it seems to me.

Mr. BOWIE. May I ask the gentleman a question? Is there a single Department of this Government that has not a large

number, or quite a substantial number of employees who are paid under what is known as the "lump-sum roll"? I know there are several Departments that have employees paid under a lump-sum roll. Is not that true of all Departments?

Mr. GARDNER of Michigan. In answer to that, I will say there are practically none; but this committee at this very session has been trying to bring into line and correct that very thing in an important Department of the Government, ceasing to appropriate a lump sum to be expended as those having charge of it saw fit. The proposed amendment by the gentleman from Vermont is out of line with the whole procedure of the Congress touching this matter.

Mr. CLARK. Mr. Chairman, I want to make just one more suggestion and then I will quit.

The members of the committee seem to be very loath to give the members of the school board any discretion in the matter, for fear they will play favorites. Now, I want to read you a few lines. On page 53, line 12, here is what you give them permission to do:

For director of primary work and one high school teacher, two in all, at \$1,100 each.

Now, who says who shall get that? Why, the school board. Then in line 15 you provide for 121 teachers at \$1,000 each. In line 17 you provide for 21 teachers at \$950 each. Now, who determines who shall be the 121 who get \$1,000 each, and who shall be the 21 who get \$950 each? Then there are more at smaller and smaller salaries, till in line 15, page 36, we find "60, at \$500 each." Who select these? The school board, of course.

Mr. McCLEARY of Minnesota. That is a discretion which the committee believes it proper to lodge with the board of education.

Mr. CLARK. If it is proper to lodge that discretion with them, why is it not proper to lodge the whole discretion with them in the disposing of this money?

Mr. McCLEARY of Minnesota. I will ask my friend whether he honestly thinks it is good public policy—for he is just as much interested and is just as much under a sworn duty to perform his part in the public interest as any member of this committee—does he believe it is good public policy to make appropriations in lump sums without fixing salaries in advance by law?

Mr. CLARK. I am not very much in favor of lump-sum appropriations as a rule, but, as I stated twice, the ruling of the Chair, which I say was proper, cuts us off from doing what we want to do in the only way in which it can be done intelligently without delegating that power to somebody else, and because you can't do it that way, you must delegate it. I am not making any fling at the intelligence of the committee, because it is an intelligent committee and I think a great deal of its members, but I take it for granted that the board of education itself furnish you with the schedule of teachers and the rates? You did not evolve that out of your own inner consciousness.

Mr. McCLEARY of Minnesota. I will say to the gentleman that the board of education furnished a schedule.

Mr. CLARK. Didn't they furnish this schedule?

Mr. McCLEARY of Minnesota. No, sir; they furnished a schedule, which was the basis upon which this was made.

Mr. CLARK. How did the committee get hold of enough information to be able to make up this schedule intelligently?

Mr. McCLEARY of Minnesota. By asking the gentlemen to come before us and furnish the information, and then we used our judgment, as we felt in duty bound to do.

Mr. CLARK. Now, honest Injun, didn't you follow their direction implicitly?

Mr. McCLEARY of Minnesota. No; not at all. If we had, it would have cost over a hundred thousand dollars more to run the schools.

Mr. CLARK. That is all I have to say, Mr. Chairman.

Mr. HEMENWAY. Mr. Chairman, I do not care to discuss the question whether the teachers should have their salaries increased or not, but I can not believe for a minute that the Members of this House are going to vote a lump sum of money to the school board of the city of Washington, or to the head of any department, to divide up among the employees. It is a precedent that this House has not established for many years. We have been getting away from it all the time. We have been taking the control into our own hands. We have been fixing the salaries of employees in the different Departments of the Government and standing by them. Everywhere there has been a lump sum to pay employees we have been cutting it out, and to-day in this whole Government there are only two or three instances where employees are paid from a lump-sum appropriation. It is a dangerous precedent, and the House ought not to think for a moment of entering into it.

The idea of taking over a million dollars and turning it over

to a school board to fix salaries! We do not know what they are going to do with it. The rule has been in every case of this kind that those receiving high salaries would get their salaries increased, and those receiving lower salaries would not get theirs increased. I appeal to my friend from Missouri if I am not correct?

Mr. CLARK. My observation of life has been, Mr. Chairman, not only with reference to teachers, but to everybody else, that the Scripture applies to them: "For whosoever hath, to him shall be given, and he shall have more abundance; but whosoever hath not, from him shall be taken away even that he hath."

Mr. HEMENWAY. I think that is right.

Mr. CLARK. I have no doubt that the upper grades get more in proportion than those in the lower grades.

Mr. HEMENWAY. Now, let us get at this in the regular way. If we are not satisfied, Mr. Chairman, with the pay that the teachers of the city of Washington are getting, any Member of this House can introduce a bill, which will go to the Committee on the District of Columbia, and that committee will report it back to the House, and the salaries will then be fixed, and the Committee on Appropriations will have no discretion whatever.

Now, I appeal to you gentlemen who have served and are serving on Committees on Appropriations that it is not good policy, it is not good legislation to put a lump-sum appropriation into the hands of any man, or set of men, to dish out; to have everybody in Congress and out, everybody in the employ of that particular Department bowing to that gentleman all the time, currying his favor and saying, "Can't my salary be increased?" It is bad legislation when you give to anyone the full control of the salaries of those paid under him. The salaries ought to be fixed by Congress. The salaries have been fixed by Congress. If it was not for the rule, Members might increase these salaries a little bit, but, as the rules are, the salaries will not be increased. In many cases the rule has saved us from increasing salaries, when afterwards we were glad that we did not increase them. As I understand, there is no trouble about securing school-teachers here. They are securing all they want; in fact, there is being a pressure brought to bear all the time by teachers who want to get into the service here, just as there is in all the States of the Union.

Now, let us proceed in an orderly way. Let us not break down a rule which is a good rule, take away from the House the right to fix salaries, and appropriate a lump sum in order to reach by indirection what we can not reach by direct ways to-day. If we do that, we fix a precedent that we can not stand by. We would be guilty of bad legislation. We would take away from Congress the right that we ought to always preserve to ourselves—that is, to regulate salaries—and, as I say, put it in the hands of some one to whom the gentleman from Missouri [Mr. CLARK] may bow—although he is not much of a man to go around asking favors—or to whom some one else may go and say, "Can not you raise the salary of this school-teacher?"

Mr. Chairman, no man ought to have that power. Congress ought to retain the power and Congress should fix these salaries, and the House would certainly make a great mistake if it changed that procedure and gave a lump sum to this school board, so that different school teachers might go around imploring a raise of salary or come and annoy Members of Congress to go and ask it in their interest.

Mr. CLARK. Now, Mr. Chairman, I would like to ask the gentleman a question. The gentleman from Indiana [Mr. HEMENWAY] is the chairman of the Committee on Appropriations. As such, he can get what he wants from the House. There is one suggestion that he can make, one request that he can make, which will straighten out this whole business. I can not get it, because I belong to the minority, but let the chairman of the Committee on Appropriations ask permission of the House, by unanimous consent, to return to that paragraph where the gentleman from New York [Mr. COCKRAN] offered his amendment, and let nobody raise the point of order, and we can get rid of this proposition which he is fadding and go back and do what we want to do.

Mr. HEMENWAY. Mr. Chairman, I want to say that a committee, which I think is a competent committee, headed by a school-teacher, headed by a man who understands his business, has determined that these salaries are as high as they can be made, taking into consideration the condition of the revenue to-day. We can not do all of the things we would like to do. The gentleman from Maine [Mr. LITTLEFIELD] a few days ago, possibly yesterday, on the floor called attention to the condition of the revenue. The District of Columbia is not now able to raise a sufficient amount of revenue to meet the necessary needs of the District, and in fixing these salaries and in conducting the business of the District and the Government we have to take into consideration all the time the revenue. The money has to be raised somehow.

It is very nice to get up here and say these salaries ought to be raised and to say this and the other ought to be done, but when the year rolls round we must make ends meet, and we must have the money to do it with. If we had ample funds in the District, it might be well to increase some of these salaries. I do not agree with the gentleman at this time that the salaries ought to be increased.

[Here the hammer fell.]

Mr. HEMENWAY. Mr. Chairman, I ask unanimous consent that my time may be extended for five minutes more.

The CHAIRMAN. The gentleman from Indiana asks unanimous consent that his time may be extended for five minutes. Is there objection?

There was no objection.

Mr. HEMENWAY. Mr. Chairman, it seems that under the rule of the House the salaries can not be increased. Now, then, I do not believe that the gentleman from Missouri [Mr. CLARK] or any other Member of this House ought to say that because under a rule of the House a while ago an amendment went out we should do the very worst thing we can do and give away the right of the House to fix salaries; that we will wipe out our power in that respect and turn over to this board a lump sum of money and let them fix the salaries. Why, the House has never—in recent years, at least—been guilty of that kind of legislation, and I do not believe, I can not believe, that to-day the House is going to forget itself on this proposition and vote away our power to fix these salaries and turn a lump sum of money over to the board of education or to anybody else in the District of Columbia, or in the service of the United States, a million and a half dollars, and permit them to fix the salaries. It is not good legislation, and we ought not to do it.

Mr. COCKRAN of New York. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Indiana yield to the gentleman from New York?

Mr. HEMENWAY. Yes.

Mr. COCKRAN of New York. Mr. Chairman, I understand that the gentleman from Indiana insists upon the House retaining the power to regulate salaries itself. That is the object, I understand, of his opposition—

Mr. HEMENWAY. Yes; I do.

Mr. COCKRAN of New York. To the amendment of the gentleman from Vermont?

Mr. HEMENWAY. The gentleman understands me correctly.

Mr. COCKRAN of New York. How can the House fix those salaries so as to increase them under the ruling of the Chair?

Mr. HEMENWAY. The House makes its own rules. The gentleman can understand me if he will listen for a moment. The House makes its own rules. It has made them for years. They are made for the protection of the House, and they are made for the protection of the House in just such instances as this, and have been enforced long before the gentleman came to Congress and long before I came to Congress.

Mr. COCKRAN of New York. I understand that. There is no difference between us on that, but my question remains unanswered. Granting that the House has established the rule, I want to ask the gentleman how the House could increase the salaries under that existing rule?

Mr. HEMENWAY. The gentleman himself could introduce a bill to-day or to-morrow—

Mr. COCKRAN of New York. That is what I wanted to get.

Mr. HEMENWAY. Fixing the rate of salaries for the school-teachers in the District of Columbia. That bill under the rule would go to the Committee, I suppose, on the District of Columbia, either to that or to the Committee on Education, but I am almost certain to the Committee on the District of Columbia. That committee, following the rules of the House, would report that bill out and at the proper time on District of Columbia day, which I believe comes about every other Monday, the bill could come up for consideration.

Mr. COCKRAN of New York. Now, I would like to ask the gentleman how the committee would undertake to raise the salaries of these teachers without providing an increased appropriation for it?

Mr. HEMENWAY. Why, if the bill passed and became law, then the Committee on Appropriations would appropriate in compliance with the law.

Mr. COCKRAN of New York. I see; you will have to come back to the Committee on Appropriations anyway.

Mr. HEMENWAY. Certainly; but it would go through the Committee on the District of Columbia.

Mr. COCKRAN of New York. That would be the method of procedure, but the Committee on Appropriations would eventually decide if it will appropriate the money or not.

Mr. HEMENWAY. No; the Committee on Appropriations would appropriate the money. There is no one on this floor,

and I hope the gentleman from New York does not, thinks for a moment that the Committee on Appropriations would fall to comply with the law and appropriate for the salaries.

Mr. COCKRAN of New York. I do not speculate on the action of the committee, so I could not say—

Mr. HEMENWAY. I did not ask the gentleman to speculate.

Mr. BABCOCK. Will the gentleman permit an interruption?

Mr. HEMENWAY. Yes.

Mr. BABCOCK. Does the Committee on Appropriations in making appropriations always comply with the law?

Mr. HEMENWAY. Not always; but when we fail to do it we place upon the desk of every Member a report pointing out in plain type wherein there has been a change of law suggested in the bill. Now, Mr. Chairman, in conclusion let me say to the House that this is not a question of raising the salaries of school-teachers in the District of Columbia. This is a question—

Mr. McDERMOTT. Mr. Chairman—

The CHAIRMAN. Does the gentleman from Indiana yield to the gentleman from New Jersey?

Mr. HEMENWAY. In a moment; this is a question far beyond that. It is not a question of raising the salaries of school-teachers in the city of Washington. It is a question of whether or not the House is going to fix a precedent that will come back to curse us many times; to turn a lump sum of money over to somebody else and allow them to determine what salaries shall be paid out in place of the House determining for itself in a regular and orderly way what those salaries shall be. I now yield to the gentleman from New Jersey.

Mr. McDERMOTT. On page 27 I call your attention, if you have the bill, to line 10. Is the gentleman following?

Mr. HEMENWAY. Yes.

Mr. McDERMOTT. It says, "for one teacher, \$700." Will the gentleman tell me what the duties of that teacher are?

Mr. HEMENWAY. Oh, of course, I do not know where that teacher is.

Mr. McCLEARY of Minnesota. She is a kindergarten teacher.

Mr. HEMENWAY. The gentleman in charge of the bill says that the teacher referred to is a kindergarten teacher.

Mr. McDERMOTT. What are her or his duties? It does not state. I ask the gentleman—not the gentleman in charge of the bill—I ask the gentleman who has the floor.

Mr. HEMENWAY. I ask the gentleman in charge of the bill to answer the question.

Mr. McDERMOTT. No; I ask the gentleman who has the floor. If he does not know, who can state here?

Mr. HEMENWAY. Well, I decline to answer in that way. I will answer in my own way. The gentleman in charge of the bill, being thoroughly familiar with it, if the gentleman asks for information, can give it to him, and if he does not want the information—

Mr. McDERMOTT. Then let me put this question: If the gentleman who wants us to vote for this item on page 37 does not know what the duties are without referring to some member of the committee, does not the gentleman think that the board of education of the District of Columbia and the members of that board who are in daily contact with the schools of the District of Columbia had better be intrusted with the determination of how much that teacher should be paid?

Mr. HEMENWAY. Well, the gentleman might just as well say, Do you know the duties of one of the clerks up here in the Treasury Department who receives twelve hundred dollars a year in the legislative bill?

Mr. McDERMOTT. I do not—

Mr. HEMENWAY. Then do you say because you do not know the duty of that clerk that we ought to give the Secretary of the Treasury a large sum of money and allow him to fix the salaries of clerks in his Department?

Mr. McDERMOTT. The proposition is entirely different.

Mr. HEMENWAY. It is exactly the same. One is a school-teacher and the other is a clerk. We know in a general way that the school-teacher provided for here is a teacher in some branch of our public schools. We know the clerk up here receiving \$1,200 is a clerk in the Department somewhere performing clerical duties, but we do not know exactly what duties he performs.

Mr. McDERMOTT. The gentleman knows that there is a general classification, if he will allow me, of clerical duties, and they provide so many men to perform those clerical duties in that Department. But here you have an anomaly. You have a municipal government within the District, and it is the only one in the United States having charge of the public schools to which there is not committed discretion in the making of salaries.

Mr. HEMENWAY. The gentleman from New Jersey [Mr. McDERMOTT] is wholly mistaken. In nearly every State of the Union the pay of a school-teacher is fixed by law.

Mr. McDERMOTT. I will state to the gentleman—

Mr. HEMENWAY. It is fixed by law in the State of Indiana; it is fixed by law in the gentleman's State, except in cities and towns. The salaries of the school-teachers are fixed by law.

Mr. LIND. It is not; and I happen to know.

Mr. HEMENWAY. In nearly every State of the Union the salaries are fixed by law, so much per capita.

I have just one further statement.

The CHAIRMAN. The time of the gentleman from Indiana [Mr. HEMENWAY] has expired.

Mr. HEMENWAY. Mr. Chairman, I ask for three minutes more.

The CHAIRMAN. The gentleman from Indiana [Mr. HEMENWAY] asks unanimous consent that he may be permitted to proceed for three minutes longer. Is there objection? [After a pause.] The Chair hears none.

Mr. HEMENWAY. I hear the suggestion coming from my friend over here, and I would like to have the attention of the House for just a moment. My friend suggests that nearly all the scandal that grew out of the Post-Office Department came from lump appropriations, and I am glad he gave me the point. You may trace our different scandals in the different Departments of this Government one by one, and we have had them in nearly all Administrations, and you will find that nearly every one of them grew out of lump-sum appropriations.

Mr. COWHERD. They were on the incidental items, however.

Mr. HEMENWAY. In the Post-Office Department, out of that lump-sum appropriation, they employed many people, and the people employed out of that appropriation were gentlemen that brought about the scandal in the Department.

Mr. COWHERD. They were on the incidental items or miscellaneous items.

Mr. HEMENWAY. I do not care whether they were miscellaneous or not. The gentleman from Missouri [Mr. COWHERD] knows as well as I do that it is vicious legislation, and I do not believe he is going to vote for it. Mr. Chairman, I believe I have nothing further to say.

Mr. GARDNER of Michigan. The gentleman from New Jersey [Mr. McDERMOTT] seemed to press upon the gentleman from Indiana the point that the school board ought to know more about this than the committee. Grant that, on general principles. But there are other appropriations to illustrate the wisdom of the school board and their ideas of economy. For example, they asked of the committee \$38,000 to furnish one school building in this city with furniture and equipment. It had the approval not only of the school board, but of the District Commissioners. They wanted \$4,000 with which to furnish a mathematical department. They wanted as high as \$1,000 with which to supply a single room with furniture, and everything on that scale.

They wanted the appropriation in a lump sum to expend as they saw fit, \$38,000, with which to furnish one single school building, a sum amounting to 23 per cent of the total cost of the building. As I have said, the committee called for the items, for they wanted to make this large expenditure, and I have given some of them. When the committee had finished its examination, they had allowed them \$17,000 in place of \$38,000, which they asked for, and felt that they had made a liberal appropriation at that.

Gentlemen, it is the old story: "We will ask all we think we can use and take what we can get." So that you can not follow even the board in all its recommendations with safety, much less with economy.

Mr. CALDERHEAD. Mr. Chairman, the chairman of the Committee on Appropriations, the gentleman in charge of the bill, and those who have been speaking about it, have not yet stated how they get jurisdiction of these salaries. It is not a Department of the Government that they are legislating for. It is not the Treasury Department, the War Department, or any other Department of the Government. It is the schools of the municipality, the salaries of the teachers in the District schools. Gentlemen have not shown any statute yet that authorized them to fix the salaries, or that gives Congress authority to do it; and it has received no authority from its general jurisdiction over affairs of the District of Columbia to do this thing. No bill ever came from the Committee on the District of Columbia providing that the salaries should be so much for each one of these different positions. Then the Committee on Appropriations seems just to have assumed jurisdiction of it and fixed the amount of these salaries upon somebody's suggestion. They complain that the board of education would not

employ the teachers fairly, and the statement that they would be influenced by political and social influences and by personal friendship in fixing the amount of salaries has no weight. The same influence would be upon that board to compel them to employ teachers for these positions that we name, and the board will be subject to the same kind of accusations when they do employ them. That is a matter they can not escape.

The complaint is made that the board have asked for \$30,000 for buildings in a lump sum. That has no weight with me, for the reason that at least one-half of the expense is a municipal expense, provided by taxes upon the city; and it is their own affair; it is their own administration. I do not intend to be responsible for their extravagance or their economy in the administration of their own affairs, unless we have more information before the committee than we possibly can get in an afternoon here or than the Committee on Appropriations can get in a five minutes' hearing from men interested in the matter. I doubt whether the committee was wise to cut that expenditure down to \$17,000, when the board of education, the members of which were familiar with the questions and had to deal with them, had unanimously decided that the matter was necessary; I very much doubt the wisdom of the subcommittee in cutting the matter down to \$17,000, and saying that that is enough and requiring me to take their word for it, and also to say that it is enough. These are matters that are within the jurisdiction of the board of education.

Mr. McCLEARY of Minnesota. If the gentleman will pardon me, on the same principle, we would follow all the estimates of all the Departments.

Mr. CALDERHEAD. Oh, no. I have just stated to the gentleman that this is not a Department of the Government. It is the District municipality.

Mr. McCLEARY of Minnesota. But on the same principle.

Mr. CALDERHEAD. It is not on the same principle by any means. The Departments of the Government are subject to our legislation. We may say how many officers shall be in each Department and what the salaries shall be. That is our duty; but in the government of the District of Columbia, in the absence of any legislation authorizing us to say so, we shall not say so, and the Committee on Appropriations has not the right to assume jurisdiction of this kind without showing authority of law for it.

Mr. BURKETT. Do you know the 1878 statute?

Mr. CALDERHEAD. I know the statute of 1878, and it does not confer this authority. It has been assumed, I presume, since that time, and that is how this legislation got into the hands of this committee. Who asked for it? The proposition is now to increase the number of teachers fifty. Who asked for that? Who decided that? The board of education. That is their business. It is their expenditure. That is a part of the administration of their local self-government which we left to them by the statute of 1878. If they need the teachers, they have the right to require them. It is not our right to grant or refuse them.

Mr. JAMES. Will the gentleman permit me to ask him a question?

Mr. CALDERHEAD. Certainly.

Mr. JAMES. When you leave them the right of local self-government, why not leave them the right of local self-taxation?

Mr. CALDERHEAD. We have; and we have assumed that the fair amount would be one-half.

Mr. JAMES. But what good reason can you have in giving them local self-government, and then, not giving them local self-taxation, turn round to all of the people of the United States and ask them to pay one-half of the compensation of the teachers to run the schools of the District?

Mr. CALDERHEAD. I am not going to enter into a discussion of the wisdom of that statute of 1878. I think it was perfectly right, by reason of the relations we occupied to them, to bear one-half of these expenses; but we are now appropriating for the administration of those expenses, taking away from them their rights in the matter. This policy has been adopted by the Committee on Appropriations in fixing the salary which each teacher shall have, and the committee might as well say now who shall be employed.

Mr. McCLEARY of Minnesota. Mr. Chairman, just one word. I think the debate has probably run long enough, but I desire to remind my friend from Kansas that back of the law is the Constitution itself, and in that instrument this Congress is given the exclusive power of legislation for the District of Columbia.

I ask for a vote.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Vermont [Mr. FOSTER], which, if there be no objection, the Clerk will again report:

The Clerk read as follows:

Strike out from line 6 on page 34 to line 24 on page 36, inclusive, and substitute the following: "For teachers, \$1,099,000."

The question being taken, the Chairman announced that the yeas appeared to have it.

Mr. FOSTER of Vermont. I call for a division.

The committee divided; and there were—ayes 45, yeas 68.

Accordingly the amendment was rejected.

The Clerk read as follows:

For purchase of pianos for school buildings, at an average cost not to exceed \$225 each, \$2,500.

Mr. DAVIS of Minnesota. Mr. Chairman, reserving the point of order, I should like to ask the gentleman in charge of the bill if there is any law authorizing the purchase of these pianos, the item between lines 11 and 13, on page 42?

The CHAIRMAN. Does the gentleman from Minnesota reserve the point of order upon that paragraph?

Mr. DAVIS of Minnesota. I do.

Mr. McCLEARY of Minnesota. Mr. Chairman, in response to the inquiry of my colleague, I will say that these pianos are recognized as a part of the equipment of the schools, and there is the same authority for buying them that there is for buying desks or typewriters or anything else. They are a part of the equipment of the schools.

Mr. DAVIS of Minnesota. But is there any existing law on the subject?

Mr. McCLEARY of Minnesota. There is no law that names specifically pianos any more than there is any law that names penholders.

Mr. DAVIS of Minnesota. I do not make the point of order.

The CHAIRMAN. The point of order is withdrawn.

The Clerk read as follows:

For site for and toward construction of one eight-room building in the fifth division to relieve Curtis School, \$29,800; and the total cost of said building, including cost of site, under a contract which is hereby authorized therefor, shall not exceed \$59,800.

Mr. DAVIS of Minnesota. Mr. Chairman, reserving the point of order, I should like to ask the gentleman in charge of the bill if there is any law authorizing the purchase of a site, and toward the construction of one eight-room building in the fifth division to relieve the Curtis School, \$29,800, and the total cost of which shall not exceed \$59,800?

Mr. McCLEARY of Minnesota. There is the general law, which provides for a school system and the proper extension of that system as exigencies arise.

Mr. DAVIS of Minnesota. Mr. Chairman, I believe I shall make the point of order upon the paragraph.

The CHAIRMAN. The Chair will hear the gentleman from Minnesota [Mr. DAVIS].

Mr. DAVIS of Minnesota. Mr. Chairman, it seems to me that there should be some direct and positive legislation whenever an attempt is made to erect a new school building in the city of Washington, and there does not seem to be any in this case, at least I judge not from the gentleman's explanation. If they can erect one building they could erect a thousand, and it would seem to me to come under the same category as the erection of the new municipal building, for which, I think, legislation was recently asked, and submitted to the proper legislative committee of this body. Therefore I am unable to see how the Committee on Appropriations, in the first instance, can appropriate \$59,800 for a new building without any law authorizing it.

The CHAIRMAN. The Chair will hear the gentleman from Minnesota [Mr. McCLEARY].

Mr. McCLEARY of Minnesota. Mr. Chairman, the act of 1878, paragraph 2 of section 3, provides:

And the Commissioners of the District of Columbia shall have power, subject to the limitations and provisions herein contained, to apply the taxes and other revenues of said District to the payment of the current expenses thereof, to the support of the public schools, the fire department, and the police, and for that purpose shall take possession and supervision of all the offices, books, papers, records, moneys, credits, securities, assets, and accounts belonging or appertaining to the business or interests of the government of the District of Columbia, and exercise the duties, powers, and authority aforesaid.

That is, under the act of 1878 comes this division of the work of the District and the maintenance of the schools, and it occurs to me that this is authorized by law. It would seem that the appropriation is justified in another way, as being for a continuation of an existing work—a work in progress.

The CHAIRMAN. Does the gentleman from Minnesota think that the fact that the District maintains public schools constitutes such a work that the building of a new schoolhouse would be a continuation of a work in progress?

Mr. McCLEARY of Minnesota. Unless you kill the children. There are more children coming on to be provided for, and you can not provide for them unless you have buildings, and you can

not have buildings unless you have the sites, so the provision of the school buildings would seem to be a work in progress.

The CHAIRMAN. The Chair is clearly of the opinion, and he is sustained by the precedents, that to buy a site for a new schoolhouse would require positive legislation, just the same as it would to buy a site for a new wharf or a new dry dock or any other new public structure. The Chair can not see any difference between these cases; it is just as necessary in order to maintain the District government to have a District building as it is to have a District schoolhouse to carry on school work. The District building must be and is authorized by positive legislation, without regard merely to an appropriation. The Chair sustains the point of order.

The Clerk, proceeding with the reading of the bill, read as follows:

For site for and toward the construction of one eight-room building, thirteenth division, to relieve the Randall and Bell schools, \$29,800; and the total cost of said building, including cost of site, under a contract which is hereby authorized therefor, shall not exceed \$59,800.

Mr. DAVIS of Minnesota. Mr. Chairman, I make a point of order on that paragraph on page 43, lines 16 to 21.

The CHAIRMAN. The Chair sustains the point of order.

The Clerk read as follows:

That the total cost of the sites and of the several and respective buildings herein provided for, when completed upon plans and specifications to be previously made and approved, shall not exceed the several and respective sums of money herein respectively appropriated or authorized for such purposes: *Provided*, That the Commissioners of the District of Columbia, in case they shall consider the bids received for the construction of any number of the school buildings herein provided for, not exceeding three, to be in excess of a reasonable amount, are hereby authorized to construct such building or buildings by day labor, and the purchase of material in open market, if the same can be completed within the amount appropriated or authorized therefor.

Mr. DAVIS of Minnesota. Mr. Chairman, I make a point of order on that paragraph, line 25 on page 43 to and including line 12 on page 44.

The CHAIRMAN. Does the gentleman from Minnesota desire to be heard?

Mr. McCLEARY of Minnesota. This is a limitation on appropriations already authorized, appropriations that are in the bill.

The CHAIRMAN. The Chair will ask the gentleman whether the limitation applies to any items except those that have been stricken out?

Mr. McCLEARY of Minnesota. Certainly; for the completion of the Business High School and the two eight-room buildings provided on page 43, beginning in line 3 and ending in line 9.

The CHAIRMAN. It is very clear, the Chair thinks, that that portion of the paragraph after the word "*Provided*" is new legislation, and the Chair sustains the point of order.

Mr. McCLEARY of Minnesota. Will the Chair pardon me just a moment? Does the point of order lie against the whole paragraph beginning at the foot of page 43?

The CHAIRMAN. The point of order is made against the paragraph. It is not the duty of the Chair to separate that part which is subject to the point of order and that which is not.

Mr. McCLEARY of Minnesota. Then, Mr. Chairman, I move that the part of the paragraph beginning at the foot of page 43 and ending just before the proviso be restored to the bill.

The CHAIRMAN. The gentleman from Minnesota offers an amendment which the Clerk will report.

The Clerk read as follows:

Insert, after line 24, page 43, all of line 25 on that page and the first four lines on the next page to the word "*Provided*" on page 44, line 5.

Mr. DAVIS of Minnesota. Mr. Chairman, I do not see but that the sites here included, and many other things pertaining to the proposed new building, have just been stricken out. I do not see how the matter can be dissected so as to make it proper legislation.

Mr. McCLEARY of Minnesota. Let us read the language:

That the total cost of the sites and of the several and respective buildings herein provided for when completed upon plans and specifications to be previously made and approved shall not exceed the several and respective sums of money herein respectively appropriated or authorized for such purposes.

The purpose of that limitation I am sure my friend is in accord with, and he would not want to remove that limitation on the other buildings.

Mr. DAVIS of Minnesota. I certainly do not, but I can not see how that section can be separated so as to be properly applicable to the paragraph preceding those two just stricken out.

Mr. McCLEARY of Minnesota. But the provisions for the others that have not been stricken out.

Mr. DAVIS of Minnesota. There are no sites mentioned in the preceding paragraph.

Mr. McCLEARY of Minnesota. If the gentleman is anxious about the word "sites," I am willing to accept an amendment to strike out the word "sites."

On second thought, there are sites for other buildings pro-

vided in the bill to which no point of order was raised—buildings that are now in process of construction. The limitation is a safe and wise one.

Mr. DAVIS of Minnesota. But, Mr. Chairman, I fail to discover anything in the preceding paragraph pertaining to sites at all. The language is very specific. Beginning on page 43, line 3, we find the following:

Buildings and grounds: For the completion of the Business High School, \$49,600, to be immediately available.

There is nothing about sites in that.

For the completion of one eight-room building in the sixth division, \$29,800.

There is nothing about a site in that.

For the completion of one eight-room building, first division, \$29,800.

There is a total absence of site in that. If intended to pay for a site or to provide for it in a subsequent provision, it should be so stated.

Mr. McCLEARY of Minnesota. The gentleman will find the law under which these buildings are to be erected in the last year's appropriation bill. If you omit the site, the limitation runs only against the building that is being completed. It can do no harm to leave it, because the gentleman has accomplished what he started out to accomplish, viz, to cut out the two buildings to which he was opposed, involving the sites in this bill; and it simply leaves this limitation applying to the other buildings and the sites that were provided for last year and that are being completed under this bill.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Minnesota.

The amendment was agreed to.

The Clerk read as follows:

For expenses attending the instruction of deaf and dumb persons admitted to the Columbia Institution for the Deaf and Dumb from the District of Columbia, under section 4864 of the Revised Statutes, \$10,500, or so much thereof as may be necessary.

Mr. McCLEARY of Minnesota. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to. Accordingly the committee rose; and Mr. MANN, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 18123, the District appropriation bill, and had come to no resolution thereon.

#### FOREST RESERVES.

Mr. LACEY. Mr. Speaker, I present a conference report on the bill (H. R. 8460) providing for the transfer of forest reserves from the Department of the Interior to the Department of Agriculture, to be printed under the rule.

The SPEAKER. The conference report and statement will be printed.

#### SENATE BILL REFERRED.

Under clause 2 of Rule XXIV, Senate bill of the following title was taken from the Speaker's table and referred to its appropriate committee as indicated below:

S. 3168. An act making an appropriation for the improvement of the grounds within the Presidio Military Reservation, at San Francisco, Cal.—to the Committee on Appropriations.

#### ADJOURNMENT.

Then, on motion of Mr. McCLEARY of Minnesota (at 4 o'clock and 51 minutes p. m.), the House adjourned until to-morrow, at 12 o'clock m.

#### EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the Secretary of the Treasury, transmitting a copy of a communication from the Secretary of State submitting an estimate of deficiency appropriation for expense of the International Prison Commission—to the Committee on Appropriations, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a detailed statement of the refunds of customs duties for the fiscal year ended June 30, 1904—to the Committee on Ways and Means, and ordered to be printed.

#### REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred, to the several Calendars therein named, as follows:

Mr. HOWELL of New Jersey, from the Committee on Immigration and Naturalization, to which was referred the House

joint resolution (H. J. Res. 188) to provide for the appointment of a committee to investigate and recommend legislation for the development of the naturalization laws of the United States, reported the same with amendment, accompanied by a report (No. 3950); which said joint resolution and report were referred to the House Calendar.

Mr. GIBSON, from the Committee on War Claims, to which was referred the bill of the Senate (S. 5944) repealing an act entitled "An act to extend the time for presenting claims for additional bounties," and its amendments and extensions, so far as they limit the time for presenting claims for additional bounties granted to soldiers by the twelfth and thirteenth sections of the act of July 28, 1866, reported the same without amendment, accompanied by a report (No. 3951); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. STEVENS of Minnesota, from the Committee on Military Affairs, to which was referred the Senate joint resolution (S. R. 88) authorizing the Secretary of War to furnish a condemned cannon to the board of regents of the University of Minnesota, at Minneapolis, Minn., to be placed on campus as a memorial to students of said university who served in Spanish war, reported the same without amendment, accompanied by a report (No. 3952); which said joint resolution and report were referred to the Committee of the Whole House on the state of the Union.

Mr. HULL, from the Committee on Military Affairs, to which was referred the Senate joint resolution (S. R. 69) to provide for the loan of obsolete rifles, together with belts and bayonets, to posts of the Grand Army of the Republic and other organizations, reported the same without amendment, accompanied by a report (No. 3974); which said joint resolution and report were referred to the Committee of the Whole House on the state of the Union.

He also, from the same committee, to which was referred the bill of the Senate (S. 4164) to amend section 1209 of the Revised Statutes, relating to brevets, reported the same with amendment, accompanied by a report (No. 3976); which said bill and report were referred to the House Calendar.

#### REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. GIBSON, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 17236) granting an increase of pension to Sarah B. Hirll, reported the same with amendment, accompanied by a report (No. 3908); which said bill and report were referred to the Private Calendar.

Mr. CALDERHEAD, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 18144) granting an increase of pension to William Stout, reported the same with amendment, accompanied by a report (No. 3909); which said bill and report were referred to the Private Calendar.

Mr. FULLER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 16073) granting an increase of pension to James B. Miller, reported the same with amendment, accompanied by a report (No. 3910); which said bill and report were referred to the Private Calendar.

Mr. HOLLIDAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 15008) granting an increase of pension to Engelhardt Roemer, reported the same with amendment, accompanied by a report (No. 3911); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 14575) granting an increase of pension to Laura P. Swentzel, reported the same with amendment, accompanied by a report (No. 3912); which said bill and report were referred to the Private Calendar.

Mr. GIBSON, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 11746) granting an increase of pension to Isalah Waltman, reported the same with amendment, accompanied by a report (No. 3913); which said bill and report were referred to the Private Calendar.

Mr. BRADLEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 11596) granting an increase of pension to Albert S. Granger, reported the same with amendment, accompanied by a report (No. 3914); which said bill and report were referred to the Private Calendar.

Mr. GIBSON, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 11465) granting an increase of pension to Frances E. Rex, reported the same with amendment, accompanied by a report (No. 3915); which said bill and report were referred to the Private Calendar.

Mr. SAMUEL W. SMITH, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 10206) granting an increase of pension to Benjamin F. Minnick, reported the same with amendment, accompanied by a report (No. 3916); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 8392) granting an increase of pension to Eli B. Helm, reported the same with amendment, accompanied by a report (No. 3917); which said bill and report were referred to the Private Calendar.

Mr. GIBSON, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 7058) granting a pension to Louisa E. Satterfield, reported the same with amendment, accompanied by a report (No. 3918); which said bill and report were referred to the Private Calendar.

Mr. FULLER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 5044) granting an increase of pension to Joseph L. Croskrey, reported the same without amendment, accompanied by a report (No. 3919); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 5205) granting an increase of pension to Francis Wilson, reported the same with amendment, accompanied by a report (No. 3920); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 16324) granting an increase of pension to Richard Rollings, reported the same without amendment, accompanied by a report (No. 3921); which said bill and report were referred to the Private Calendar.

Mr. CALDERHEAD, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 3273) granting an increase of pension to William E. Hill, reported the same without amendment, accompanied by a report (No. 3922); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 2741) granting an increase of pension to William H. Smith, reported the same with amendment, accompanied by a report (No. 3923); which said bill and report were referred to the Private Calendar.

Mr. FULLER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 2017) granting an increase of pension to John Mohr, reported the same with amendment, accompanied by a report (No. 3924); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 17900) granting an increase of pension to Edward M. Mobley, reported the same with amendment, accompanied by a report (No. 3925); which said bill and report were referred to the Private Calendar.

Mr. HUNTER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 17891) granting a pension to Robert M. Alexander, reported the same with amendment, accompanied by a report (No. 3926); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 17755) granting an increase of pension to Davis D. Osterhout, reported the same with amendment, accompanied by a report (No. 3927); which said bill and report were referred to the Private Calendar.

Mr. FULLER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 17660) granting an increase of pension to James H. Wasson, reported the same with amendment, accompanied by a report (No. 3928); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 17434) granting an increase of pension to Samuel H. Draper, reported the same with amendment, accompanied by a report (No. 3929); which said bill and report were referred to the Private Calendar.

Mr. CALDERHEAD, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 17411) granting an increase of pension to Abel Grovenor, reported the same with amendment, accompanied by a report (No. 3930); which said bill and report were referred to the Private Calendar.

Mr. LINDSAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 17201) granting

an increase of pension to Henry Lorch, reported the same with amendment, accompanied by a report (No. 3931); which said bill and report were referred to the Private Calendar.

Mr. CALDERHEAD, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 17068) granting an increase of pension to James A. Coll, reported the same without amendment, accompanied by a report (No. 3932); which said bill and report were referred to the Private Calendar.

Mr. FULLER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 16929) granting an increase of pension to John Moore, reported the same with amendment, accompanied by a report (No. 3933); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 16876) granting an increase of pension to Samuel Nicholas, reported the same with amendment, accompanied by a report (No. 3934); which said bill and report were referred to the Private Calendar.

Mr. CALDERHEAD, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 16828) granting an increase of pension to James Spaulding, reported the same without amendment, accompanied by a report (No. 3935); which said bill and report were referred to the Private Calendar.

Mr. BRADLEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 16774) granting an increase of pension to John J. James, reported the same with amendment, accompanied by a report (No. 3936); which said bill and report were referred to the Private Calendar.

Mr. GIBSON, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 16745) granting an increase of pension to John W. Davis, reported the same with amendment, accompanied by a report (No. 3937); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 16575) granting an increase of pension to John E. Hurley, reported the same with amendment, accompanied by a report (No. 3938); which said bill and report were referred to the Private Calendar.

Mr. HOLLIDAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 16325) granting an increase of pension to Jonas Myers, reported the same with amendment, accompanied by a report (No. 3939); which said bill and report were referred to the Private Calendar.

Mr. BRADLEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 17085) granting an increase of pension to William S. Stanley, reported the same with amendment, accompanied by a report (No. 3940); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 12079) granting a pension to Mary G. Mew, reported the same with amendment, accompanied by a report (No. 3941); which said bill and report were referred to the Private Calendar.

Mr. HOLLIDAY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 6351) granting an increase of pension to Martin T. Cross, reported the same with amendment, accompanied by a report (No. 3942); which said bill and report were referred to the Private Calendar.

Mr. PARKER, from the Committee on Military Affairs, to which was referred the bill of the Senate (S. 5997) authorizing the President to nominate and appoint William L. Patterson a second lieutenant in the United States Army, reported the same without amendment, accompanied by a report (No. 3943); which said bill and report were referred to the Private Calendar.

Mr. YOUNG, from the Committee on Military Affairs, to which was referred the bill of the Senate (S. 54) for the relief of William B. Barnes, reported the same without amendment, accompanied by a report (No. 3945); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 17390) granting an increase of pension to Samuel Sunderland, reported the same with amendment, accompanied by a report (No. 3946); which said bill and report were referred to the Private Calendar.

Mr. CALDERHEAD, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 16099) granting a pension to Lafayette Boutwell, reported the same with amendment, accompanied by a report (No. 3947); which said bill and report were referred to the Private Calendar.

Mr. DAYTON, from the Committee on Naval Affairs, to which was referred the bill of the Senate (S. 2164) for the relief of

Henry E. Rhoades, assistant engineer, United States Navy, retired, reported the same without amendment, accompanied by a report (No. 3953); which said bill and report were referred to the Private Calendar.

Mr. LOUDENSLAGER, from the Committee on Pensions, to which was referred the bill of the Senate (S. 5732) granting a pension to Philip Lawotte, reported the same with amendment, accompanied by a report (No. 3954); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 5947) granting an increase of pension to Florence O. Whitman, reported the same with amendment, accompanied by a report (No. 3955); which said bill and report were referred to the Private Calendar.

Mr. RICHARDSON of Alabama, from the Committee on Pensions, to which was referred the bill of the House (H. R. 18181) granting an increase of pension to Nancy Ann Smith, reported the same with amendment, accompanied by a report (No. 3956); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 18180) granting an increase of pension to Jacob Fulmer, reported the same with amendment, accompanied by a report (No. 3957); which said bill and report were referred to the Private Calendar.

Mr. LONGWORTH, from the Committee on Pensions, to which was referred the bill of the House (H. R. 18095) granting an increase of pension to Charlotte F. Russell, reported the same with amendment, accompanied by a report (No. 3958); which said bill and report were referred to the Private Calendar.

Mr. WILEY of Alabama, from the Committee on Pensions, to which was referred the bill of the House (H. R. 18031) granting an increase of pension to John Tipton, reported the same with amendment, accompanied by a report (No. 3959); which said bill and report were referred to the Private Calendar.

Mr. PATTERSON of Pennsylvania, from the Committee on Pensions, to which was referred the bill of the House (H. R. 18002) granting an increase of pension to Isaac Williams, reported the same with amendment, accompanied by a report (No. 3960); which said bill and report were referred to the Private Calendar.

Mr. LONGWORTH, from the Committee on Pensions, to which was referred the bill of the House (H. R. 17917) granting an increase of pension to Lewis Hammack, reported the same without amendment, accompanied by a report (No. 3961) which said bill and report were referred to the Private Calendar.

Mr. McLAIN, from the Committee on Pensions, to which was referred the bill of the House (H. R. 17770) granting an increase of pension to Matilda D. Clark, reported the same with amendment, accompanied by a report (No. 3962); which said bill and report were referred to the Private Calendar.

Mr. BROWN of Pennsylvania, from the Committee on Pensions, to which was referred the bill of the House (H. R. 17635) granting an increase of pension to John Burke, reported the same with amendment, accompanied by a report (No. 3963); which said bill and report were referred to the Private Calendar.

Mr. LONGWORTH, from the Committee on Pensions, to which was referred the bill of the House (H. R. 17325) granting an increase of pension to Albert H. Noble, reported the same without amendment, accompanied by a report (No. 3961); which said bill and report were referred to the Private Calendar.

Mr. CAMPBELL, from the Committee on Pensions, to which was referred the bill of the House (H. R. 17222) granting an increase of pension to William G. Mullen, reported the same with amendment, accompanied by a report (No. 3965); which said bill and report were referred to the Private Calendar.

Mr. RICHARDSON of Alabama, from the Committee on Pensions, to which was referred the bill of the House (H. R. 16861) granting an increase of pension to Mary L. Walker, reported the same with amendment, accompanied by a report (No. 3966); which said bill and report were referred to the Private Calendar.

Mr. CAMPBELL, from the Committee on Pensions, to which was referred the bill of the House (H. R. 16834) granting an increase of pension to Thomas Harris, reported the same with amendment, accompanied by a report (No. 3967); which said bill and report were referred to the Private Calendar.

Mr. RICHARDSON of Alabama, from the Committee on Pensions, to which was referred the bill of the House (H. R. 16702) granting an increase of pension to John A. Cairnes, reported the same with amendment, accompanied by a report (No. 3968); which said bill and report were referred to the Private Calendar.

Mr. LONGWORTH, from the Committee on Pensions, to which was referred the bill of the House (H. R. 15629) granting a pension to Walter Elkan, reported the same with amend-

ment, accompanied by a report (No. 3969); which said bill and report were referred to the Private Calendar.

Mr. DRAPER, from the Committee on Pensions, to which was referred the bill of the House (H. R. 14665) granting an increase of pension to Harriet H. Heaton, reported the same with amendment, accompanied by a report (No. 3970); which said bill and report were referred to the Private Calendar.

Mr. AMES, from the Committee on Pensions, to which was referred the bill of the House (H. R. 13661) granting a pension to Edith F. Morrison, reported the same with amendment, accompanied by a report (No. 3971); which said bill and report were referred to the Private Calendar.

Mr. LONGWORTH, from the Committee on Pensions, to which was referred the bill of the House (H. R. 10353) granting an increase of pension to Henry S. Riggs, reported the same with amendment, accompanied by a report (No. 3972); which said bill and report were referred to the Private Calendar.

Mr. RICHARDSON of Alabama, from the Committee on Pensions, to which was referred the bill of the House (H. R. 5015) granting a pension to William A. Russell, reported the same with amendment, accompanied by a report (No. 3973); which said bill and report were referred to the Private Calendar.

#### ADVERSE REPORTS.

Under clause 2, Rule XIII, adverse reports were delivered to the Clerk, and laid on the table, as follows:

Mr. YOUNG, from the Committee on Military Affairs, to which was referred the bill of the House (H. R. 12857) for the relief of Col. Alexander Moore, reported the same adversely, accompanied by a report (No. 3948); which said bill and report were ordered laid on the table.

Mr. SLAYDEN, from the Committee on Military Affairs, to which was referred the bill of the House (H. R. 15916) for the promotion and retirement of Col. John B. Rodman, United States Army, retired, reported the same adversely, accompanied by a report (No. 3949); which said bill and report were ordered laid on the table.

#### CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of bills of the following titles; which were thereupon referred as follows:

A bill (H. R. 17246) for the relief of certain receivers of public moneys, acting as special disbursing agents, in the matter of amounts expended by them for per diem fees and mileage of witnesses in hearings, which amounts have not been credited by the accounting officers of the Treasury Department in the settlement of their accounts—Committee on Claims discharged, and referred to the Committee on the Public Lands.

A bill (H. R. 17616) granting a pension to Dehla Dyer—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 18242) granting an increase of pension to Mary Goodposter—Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

A bill (H. R. 18243) granting a pension to Elizabeth A. Hubbard—Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

A bill (H. R. 18244) granting a pension to William F. Monday—Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

A bill (H. R. 18248) granting a pension to Elizabeth P. Gilcrease—Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

#### PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. FULLER: A bill (H. R. 18278) for the construction of an addition to the public building at Rockford, Ill.—to the Committee on Public Buildings and Grounds.

By Mr. NORRIS: A bill (H. R. 18279) to authorize the Secretary of the Interior to accept the conveyance from the State of Nebraska of certain described lands and granting to said State other lands in lieu thereof, and for other purposes—to the Committee on the Public Lands.

By Mr. LITTLE: A bill (H. R. 18280) to extend the western boundary line of the State of Arkansas—to the Committee on the Judiciary.

By Mr. DUNWELL: A bill (H. R. 18281) appropriating \$25,000 to enlarge the public building at Brooklyn, N. Y., to meet the necessities of public business—to the Committee on Public Buildings and Grounds.

By Mr. KALANIANAOLE: A bill (H. R. 18282) to amend section 92 of "An act to provide a government for the Territory of Hawaii," approved April 30, 1900—to the Committee on the Territories.

By Mr. PATTERSON of Tennessee: A bill (H. R. 18283) to enable the Secretary of War to permit, in aid of navigation, the erection of locks and dams in White River, Arkansas—to the Committee on Rivers and Harbors.

By Mr. MANN: A bill (H. R. 18284) to authorize the United States to acquire, by condemnation proceedings, stock of the Panama Railroad Company in aid of the construction of the Panama Canal—to the Committee on Interstate and Foreign Commerce.

Also, a bill (H. R. 18285) fixing the status of merchandise coming into the United States from the Canal Zone, Isthmus of Panama—to the Committee on Ways and Means.

By Mr. SHACKLEFORD: A bill (H. R. 18286) to supplement and amend the act entitled "An act to regulate commerce," approved February 4, 1887—to the Committee on Interstate and Foreign Commerce.

By Mr. CRUMPACKER: A joint resolution (H. J. Res. 205) requiring the Director of the Census to collect statistics of marriage and divorce—to the Committee on the Census.

By Mr. HUMPHREY of Washington: A resolution (H. Res. 467) directing the Secretary of War to give the House of Representatives certain information—to the Committee on Military Affairs.

By Mr. FITZGERALD: A resolution (H. Res. 468) requesting information from the Secretary of the Navy relative to delayed deliveries of materials for use in construction of the U. S. S. *Connecticut*—to the Committee on Naval Affairs.

By Mr. MANN: Memorial recommending general improvement of the Mississippi River—to the Committee on Interstate and Foreign Commerce.

#### PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. BEALL of Texas: A bill (H. R. 18287) granting a pension to William C. Short—to the Committee on Pensions.

By Mr. BURTON: A bill (H. R. 18288) granting an increase of pension to George A. McKay—to the Committee on Invalid Pensions.

By Mr. BURNETT: A bill (H. R. 18289) granting a pension to Daniel B. Norwood—to the Committee on Invalid Pensions.

By Mr. COWHERD: A bill (H. R. 18290) for the relief of the legal representatives of Isaac Scott How and James Jackson How—to the Committee on War Claims.

By Mr. EVANS: A bill (H. R. 18291) granting an increase of pension to Jacob Chamberlain—to the Committee on Invalid Pensions.

Also, a bill (H. R. 18292) granting an increase of pension to James A. McVicker—to the Committee on Invalid Pensions.

Also, a bill (H. R. 18293) granting an increase of pension to George Weight—to the Committee on Invalid Pensions.

Also, a bill (H. R. 18294) granting an increase of pension to Joseph Snowden—to the Committee on Invalid Pensions.

Also, a bill (H. R. 18295) granting a pension to Stacy Hoon—to the Committee on Invalid Pensions.

Also, a bill (H. R. 18296) to correct the military record of Joseph P. Swope—to the Committee on Military Affairs.

By Mr. FORDNEY: A bill (H. R. 18297) granting a pension to Fred Abar—to the Committee on Invalid Pensions.

By Mr. FOWLER: A bill (H. R. 18298) granting a pension to Leonora Ohl—to the Committee on Invalid Pensions.

By Mr. GAINES of West Virginia: A bill (H. R. 18299) granting a pension to George Rodgers—to the Committee on Pensions.

Also, a bill (H. R. 18300) granting a pension to Paul D. Summers—to the Committee on Invalid Pensions.

By Mr. GIBSON: A bill (H. R. 18301) granting an increase of pension to Lewis Miller—to the Committee on Invalid Pensions.

Also, a bill (H. R. 18302) granting an increase of pension to Nathaniel F. Acuff—to the Committee on Invalid Pensions.

Also, a bill (H. R. 18303) for the relief of Samuel Lewis—to the Committee on War Claims.

Also, a bill (H. R. 18304) for the relief of William Barton—to the Committee on War Claims.

Also, a bill (H. R. 18305) for the relief of the estate of John North, deceased—to the Committee on War Claims.

By Mr. GILLET of Massachusetts: A bill (H. R. 18306) for the relief of William Butement—to the Committee on War Claims.

By Mr. GRAFF: A bill (H. R. 18307) granting an increase of pension to Henry W. Wells—to the Committee on Invalid Pensions.

By Mr. GRANGER: A bill (H. R. 18308) for the relief of Matthew J. Davis—to the Committee on Claims.

By Mr. GREENE: A bill (H. R. 18309) granting an increase of pension to William H. Washburn—to the Committee on Invalid Pensions.

By Mr. HAY: A bill (H. R. 18310) granting an increase of pension to Sinnett A. Duling—to the Committee on Pensions.

By Mr. HUGHES of New Jersey: A bill (H. R. 18311) to remove the charge of desertion now existing on the records of the War Department against Thomas Dawson—to the Committee on Military Affairs.

Also, a bill (H. R. 18312) to remove the charge of desertion now existing on the records of the War Department against John McKeon—to the Committee on Military Affairs.

Also, a bill (H. R. 18313) granting a pension to Mary E. Fraser—to the Committee on Invalid Pensions.

Also, a bill (H. R. 18314) granting a pension to Catharine Flynn—to the Committee on Invalid Pensions.

Also, a bill (H. R. 18315) granting a pension to Neil Kelly—to the Committee on Invalid Pensions.

Also, a bill (H. R. 18316) granting a pension to George Ihnath—to the Committee on Pensions.

By Mr. KINKAID: A bill (H. R. 18317) correcting the military record of George H. Pidge, of North Loup, Nebr.—to the Committee on Military Affairs.

By Mr. MUDD: A bill (H. R. 18318) for the relief of the Davison Chemical Company, of Baltimore, Md.—to the Committee on Claims.

By Mr. McLAIN: A bill (H. R. 18319) granting an increase of pension to Green B. Waller—to the Committee on Pensions.

By Mr. PARKER (by request): A bill (H. R. 18320) for the relief of Albert L. Scott and others—to the Committee on War Claims.

By Mr. SMALL: A bill (H. R. 18321) granting a pension to Lars F. Wadsten—to the Committee on Invalid Pensions.

Also, a bill (H. R. 18322) granting a pension to Josephine Drinkwater—to the Committee on Invalid Pensions.

By Mr. SMITH of Kentucky: A bill (H. R. 18323) for the relief of the estate of William Harlow, deceased—to the Committee on War Claims.

By Mr. TALBOTT: A bill (H. R. 18324) authorizing the Secretary of War to issue an honorable discharge to Joseph Brenise, late of Company A, Fiftieth Pennsylvania Veteran Volunteer Infantry—to the Committee on Military Affairs.

By Mr. WEBB: A bill (H. R. 18325) granting a pension to William V. Shepherd—to the Committee on Pensions.

By Mr. WILLIAMS of Illinois: A bill (H. R. 18326) granting a pension to Mary E. Morris—to the Committee on Invalid Pensions.

#### PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER: Petition of the Wolfe Tone Club of United Irish Societies of Chicago, Ill., favoring statue to Commodore John Barry—to the Committee on the Library.

By Mr. BROWNLOW: Petition of the Baker Hardware Company et al., favoring the Quarles-Cooper bill—to the Committee on Interstate and Foreign Commerce.

By Mr. COWHERD: Paper to accompany bill for relief of Thomas L. How, heir of James J. How and Isaac S. How, asking reference of claim to Court of Claims—to the Committee on War Claims.

By Mr. DRAPER: Petition of the executive committee of the National Business League of Chicago, favoring equitable freight rates—to the Committee on Interstate and Foreign Commerce.

By Mr. DWIGHT: Petition of Frank Garrett et al., of Occum, N. Y., favoring bill H. R. 13778—to the Committee on Interstate and Foreign Commerce.

By Mr. FULLER: Petition of the Allone Mineral Spring Company, favoring the Quarles-Cooper bill—to the Committee on Interstate and Foreign Commerce.

Also, petition of citizens of Rockton, Ill., favoring the Hepburn-Dolliver bill—to the Committee on the Judiciary.

Also, petition of the Indian Rights Association, concerning use of Indian trust funds for sectarian schools—to the Committee on Indian Affairs.

By Mr. GIBSON: Paper to accompany bill for relief of Lewis Miller, of Knox County, Tenn.—to the Committee on Invalid Pensions.

By Mr. HASKINS: Petition of Bellows Falls (Vt.) Division, No. 106, Brotherhood of Locomotive Engineers, favoring bill H. R. 7041—to the Committee on the Judiciary.

By Mr. HAY: Paper to accompany bill for relief of S. A. Duling by increase of pension—to the Committee on Pensions.

By Mr. HITT: Resolution of the Illinois State legislature, asking for construction of a dam on the Mississippi River between Keokuk, Iowa, and Hamilton, Ill., by the Keokuk and Hamilton Water Power Company—to the Committee on Interstate and Foreign Commerce.

By Mr. HUNT: Petition of the executive committee of the National Business League of Chicago, favoring equitable adjustment of freight rates—to the Committee on Interstate and Foreign Commerce.

By Mr. KLINE: Petition of Washington Camp, No. 323, Patriotic Order Sons of America, of Slatedale, Pa., favoring restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. KNOWLAND: Petition of the board of directors of the Manufacturers and Producers' Association of California, favoring recession of the Yosemite Valley and Mariposa big tree grove reservation to the National Government—to the Committee on Agriculture.

Also, petition of the Manufacturers and Producers' Association of California, against tax on brandy used to fortify sweet wines—to the Committee on Ways and Means.

Also, petition of the board of directors of the Manufacturers and Producers' Association of California, asking for betterment of the revenue-cutter service in the harbor of San Francisco—to the Committee on the Merchant Marine and Fisheries.

Also, petition of residents in Alvarado, Cal., against reduction of duty on raw sugar from the Philippine Islands—to the Committee on Ways and Means.

By Mr. LAMAR: Paper to accompany bill for relief of Sarah C. Johnson—to the Committee on Pensions.

By Mr. LLOYD: Petition of Corporal Dix Post, Grand Army of the Republic, of Kirksville, Mo., asking that Maj. Gen. Peter J. Osterhaus be placed on the retired list with pay of a major-general—to the Committee on Military Affairs.

By Mr. PADGETT: Petition of A. R. Alley, asking reference of claim to Court of Claims—to the Committee on War Claims.

Also, petition of George B. Nevill, asking reference of claim to Court of Claims—to the Committee on War Claims.

Also, petition of James B. Chaffin, asking reference of claim to Court of Claims—to the Committee on War Claims.

Also, petition of Mrs. Diana Butt, widow of Thomas P. Butt, asking reference of claim to Court of Claims—to the Committee on War Claims.

Also, petition of James Flack, asking reference of claim to Court of Claims—to the Committee on War Claims.

Also, petition of Frances M. Taylor, asking reference of claim to Court of Claims—to the Committee on War Claims.

Also, petition of William J. Carney, asking reference of claim to Court of Claims—to the Committee on War Claims.

Also, petition of Isaac A., executor of the estate of John H. Duncan, asking reference of claim to Court of Claims—to the Committee on War Claims.

By Mr. PORTER: Petition of the Pennsylvania Shoe Manufacturers' Association of Philadelphia, favoring placing of hides on the free list—to the Committee on Ways and Means.

Also, petition of Brotherhood of Locomotive Firemen, Three Brothers Lodge, of Pittsburg, Pa., favoring the Bates-Penrose employers' liability bill—to the Committee on the Judiciary.

Also, petition of the executive committee of the National Business League of Chicago, for equitable freight rates—to the Committee on Interstate and Foreign Commerce.

Also, petition of Mrs. Martha Steck et al., against repeal of canteen law—to the Committee on Military Affairs.

Also, petition of Susanna Doyle et al., favoring the Hepburn-Dolliver bill—to the Committee on the Judiciary.

Also, petition of G. W. Perkins, of Chicago, against reduction in tariff on tobacco from the Philippines—to the Committee on Ways and Means.

Also, petition of Christ Methodist Episcopal Church, of Pittsburg, Pa., and the Woman's Home Missionary Society, favoring continuance of the canteen law—to the Committee on Military Affairs.

Also, petition of McKees Rocks (Pa.) Division, No. 201, Order of Railway Conductors, favoring bill H. R. 7041—to the Committee on the Judiciary.

Also, petition of the Woman's Home Missionary Society of Christ Methodist Episcopal Church, of Philadelphia, Pa., favoring the Hepburn-Dolliver bill—to the Committee on the Judiciary.

By Mr. RAINEY: Petition of Elmer Goben et al., favoring

bill H. R. 13778—to the Committee on Interstate and Foreign Commerce.

By Mr. RICHARDSON of Alabama: Paper to accompany bill for relief of Susan Garner, administratrix of the estate of William F. Garner, of Madison County, Ala.—to the Committee on War Claims.

By Mr. RYAN: Petition of J. D. Layng Division, No. 421, Brotherhood of Locomotive Engineers, of Buffalo, N. Y., favoring bill H. R. 7041—to the Committee on the Judiciary.

By Mr. WEBB: Papers to accompany bill for relief of Willard V. Shepherd—to the Committee on Pensions.

By Mr. WILLIAMS of Illinois: Paper to accompany bill for relief of Mary E. Morris—to the Committee on Pensions.

## SENATE.

WEDNESDAY, January 25, 1905.

Prayer by the Chaplain, Rev. EDWARD E. HALE.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. SCOTT, and by unanimous consent, the further reading was dispensed with.

The PRESIDENT pro tempore. Without objection, the Journal will stand approved.

### HOOR OF MEETING TO-MORROW.

Mr. HALE. I move that when the Senate adjourns to-day it be to meet at 1 o'clock to-morrow.

The motion was agreed to.

### SENATOR FROM PENNSYLVANIA.

Mr. PENROSE presented the credentials of PHILANDER C. KNOX, chosen by the legislature of the State of Pennsylvania a Senator from that State to fill the vacancy in the term ending March 3, 1905, caused by the death of Matthew S. Quay; which were read and ordered to be filed.

Mr. PENROSE. I ask that the oath be administered to Mr. KNOX.

The PRESIDENT pro tempore. The Senator-elect will present himself at the desk and the Chair will administer the oath required by law.

Mr. KNOX was escorted to the Vice-President's desk by Mr. PENROSE, and the oath prescribed by law having been administered to him, he took his seat in the Senate.

### CREDENTIALS.

Mr. PENROSE presented the credentials of PHILANDER C. KNOX, chosen by the legislature of the State of Pennsylvania a Senator from that State for the term beginning March 4, 1905; which were read, and ordered to be filed.

Mr. ALGER presented the credentials of JULIUS C. BURROWS, chosen by the legislature of the State of Michigan a Senator from that State for the term beginning March 4, 1905; which were read and ordered to be filed.

### HOUSE BILLS REFERRED.

H. R. 17769. An act to grant certain lands to the Agricultural and Mechanical College of Oklahoma for college farm and experiment station purposes, was read twice by its title, and referred to the Committee on Public Lands.

H. J. Res. 164. Joint resolution for the printing of a compilation of the laws of the United States relating to the improvement of rivers and harbors, was read twice by its title, and referred to the Committee on Printing.

### MEMORIAL ADDRESSES ON THE LATE SENATOR QUAY.

Mr. PENROSE. Mr. President, I give notice that on Saturday, February 18, after the routine morning business, I shall present resolutions commemorative of the life, character, and public services of my late colleague, Hon. MATTHEW STANLEY QUAY.

### PETITIONS AND MEMORIALS.

Mr. CLAPP presented a memorial of sundry citizens of Brainerd, Minn., remonstrating against the enactment of legislation requiring certain places of business in the District of Columbia to be closed on Sunday; which was referred to the Committee on the District of Columbia.

Mr. WETMORE presented a petition of the Young Woman's Christian Temperance Union of Providence, R. I., praying for the adoption of an amendment to the Constitution relative to the granting of divorces; which was referred to the Committee on the Judiciary.

He also presented a petition of the Young Woman's Christian Temperance Union of Providence, R. I., praying for an investigation of the charges made and filed against Hon. REED SMOOT, a Senator from the State of Utah; which was referred to the Committee on Privileges and Elections.

He also presented a petition of the Young Woman's Christian Temperance Union of Providence, R. I., praying for the enactment of legislation to prohibit the sending through the mails of all gambling devices, etc.; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of the Young Woman's Christian Temperance Union of Providence, R. I., praying for the enactment of legislation to prohibit the sale of intoxicating liquors in all buildings, ships, and grounds used by the United States Government; which was referred to the Committee on Public Buildings and Grounds.

Mr. BURNHAM presented the petition of G. W. Buzzell, of Nashua, N. H., praying for the enactment of legislation providing for the extension and improvement of Massachusetts and Boundary avenues, NW., in the city of Washington, D. C.; which was referred to the Committee on the District of Columbia.

He also presented a petition of Concord Division, No. 335, Order of Railway Conductors of Concord, N. H., praying for the passage of the so-called "employers' liability bill;" which was referred to the Committee on Interstate Commerce.

He also presented a petition of the Retail Druggists' Association of Portsmouth, N. H., praying for the enactment of legislation to amend sections 4886 and 4887 of the Revised Statutes relating to patents on medicinal preparations; which was referred to the Committee on Patents.

He also presented a petition of the National Association of State Dairy and Food Departments of Lexington, Ky., praying for the passage of the so-called "pure food bill;" which was ordered to lie on the table.

He also presented a memorial of the legislature of the Territory of New Mexico, remonstrating against the admission of the Territories of New Mexico and Arizona into the Union as one State; which was ordered to lie on the table.

He also presented the petition of Mrs. C. S. Carpenter and thirteen other widows of army officers, residents of Washington, D. C., praying for the enactment of legislation to authorize the readjustment of the accounts of army officers in certain cases; which was ordered to lie on the table.

Mr. GALLINGER presented a petition of Jere E. Chadwick Post, No. 70, Department of New Hampshire, Grand Army of the Republic, of Deerfield Center, N. H., praying for the enactment of legislation to modify and simplify the pension laws of the United States; which was referred to the Committee on Pensions.

He also presented a petition of Concord Division, No. 335, Order of Railway Conductors, of Concord, N. H., praying for the passage of the so-called "employers' liability bill;" which was referred to the Committee on Interstate Commerce.

He also presented a petition of the Board of Trade of Washington, D. C., praying for the establishment of a juvenile court and hospital in that city; which was referred to the Committee on the District of Columbia.

He also presented a petition of the American Federation of Musicians, praying for the enactment of legislation to increase the salaries of members of the United States Marine Band; which was referred to the Committee on Naval Affairs.

He also presented the petition of G. W. Buzzell, of Nashua, N. H., praying for the enactment of legislation providing for the extension and improvement of Massachusetts and Boundary avenues, in the city of Washington, D. C.; which was referred to the Committee on the District of Columbia.

He also presented a petition of the Political Study Club, of the District of Columbia, praying for the enactment of legislation providing for compulsory education in the District of Columbia, and also to regulate the employment of child labor in the District of Columbia; which was referred to the Committee on the District of Columbia.

Mr. ANKENY presented a petition of the Alaska Club, of Seattle, Wash., praying for the repeal of the present wholesale liquor license law now in operation in Alaska; which was referred to the Committee on Territories.

Mr. PERKINS presented a petition of the Bar Association of Oakland, Cal., praying for the ratification of international arbitration treaties; which was referred to the Committee on Foreign Relations.

He also presented a petition of the Manufacturers and Producers' Association of San Francisco, Cal., praying that an appropriation be made providing an additional tug for the revenue service at that port; which was referred to the Committee on Commerce.

Mr. TELLER presented a petition of Royal George Lodge, No. 59, Brotherhood of Locomotive Firemen, of Pueblo, Colo., praying for the passage of the so-called "employers' liability bill;" which was referred to the Committee on Interstate Commerce.